



# Minutes

## The Blue Mountains, Committee of Adjustment

**Date:** October 16, 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:** Michael Martin, Jim Oliver, Robert Waind, Duncan McKinlay, Jan Pratt

**Staff Present:** Manager of Planning, Shawn Postma, Chief Building Official, Tim Murawsky, Planner, Manuel Riveria

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### 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 1:00 p.m. and Secretary-Treasurer, Carrie Fairley noted all members were present in Council Chambers.

#### A.3 Approval of Agenda

Moved by: Jan Pratt

Seconded by: Jim Oliver

THAT the Agenda of October 16, 2024, be approved as circulated, including any additions to the agenda.

Yay (5): Michael Martin, Jim Oliver, Duncan McKinlay, Jan Pratt, and Robert Waind

**The motion is Carried (5 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: Duncan McKinlay

Seconded by: Michael Martin

THAT the Minutes of September 18, 2024, be approved as circulated, including any revisions to be made.

Yay (5): Michael Martin, Jim Oliver, Duncan McKinlay, Jan Pratt, and Robert Waind

**The motion is Carried (5 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 Minor Variance Application No. A35-2024**

Owner: Lisa Pigat and Jim Muccilli

Applicant/Agent: Murette Sharp, Majestic Pools

Municipal Address: 121 Stoneleigh Drive

Legal Description: Plan 16M83 Lot 139

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 questioned if there were any discussions with the Applicant regarding reducing the size of the proposed new structure to meet the overall lot coverage requirements and noted that for an accessory unit it is less than 10% but still exceeds the lot coverage. Planner Manuel noted there was no discussion when the application was submitted to the Town and confirmed the request the Applicant was making.

Member Oliver noted the 10% maximum allowed for accessory buildings or structures and questioned if it was over and above the 30% maximum lot coverage or contained within the 30% maximum lot coverage. Planner Manuel noted that it is contained within the 30% maximum lot coverage. Member Oliver referred to the diagram contained in the Notice and noted the proposed in ground pool, noting it has already been approved and questioned what is going to surround the in-ground pool. Member Oliver further noted it appears that will all be interlocking paving stones or another hard surface or individual stones and questioned what the intended surface treatment will be in the whole backyard. Member Oliver also noted that looking to the right of the existing loggia, it appears that there will be more decking on the right-side rear of the residence as well as the proposed cabana, in the rear right corner, and noted the cabana will have a roof. Member Oliver noted that it appears that far more than 30% or 33% of this lot will in fact be hard surfaced or semi-hard surfaced and asked staff to verify. Member Oliver provided clarification noting that it appears to be further decking and another set of stairs on the right rear side of the residence, and questioned if it would be solid, wood decking, permeable or impermeable, and noted it must not be covered as they would have to ask for permission to do that. Member Oliver noted that it appears that most of this lot will be covered with other things than vegetation. Planner Manuel noted that based on the site plan drawings before us, it notes stone patio and further noted the Applicant's Agent can provide more information on that. Member Oliver questioned if staff know if it will be new decking to the right of the existing loggia. Manuel noted the Town's Zoning by-law excludes decks from being calculated as part of the lot coverage.

Member McKinlay spoke questioning if the Town have any ability to regulate the amount of impermeable coverage on a lot. Shawn Postma, Manager of Planning noted that regarding the zoning by-law lot coverage only applies to the buildings and structures and noted there is a requirement in the zoning by-law that a minimum of 50% of the front yard has to contain landscaping. Shawn further noted that the rear yard could be covered in concrete, as long as it still meets the lot grading and drainage plans there is nothing else in the by-law that would prevent that.

Chair Waind noted that lot coverage was originally designed primarily for massing but also to ensure there was some additional open space that under normal circumstances would absorb some of the water and run off. Shawn noted that regarding what the zoning by-law permits, there is nothing preventing them from putting in stone patios and decking. Shawn further noted that whether that allows permeability of storm water to drain through, these lots are designed with a lot of drainage and grading plan to be able to accommodate and direct those storm flows.

The Committee and Staff further discussed the application, storm water run off and drainage of the property. Shawn noted that staff will bring back more information regarding the factors that the engineering department looks into regarding hard surface and zoning requirements regarding lot coverage and how those numbers work together.

Member Oliver noted that when engineering designing is being completed for stormwater in subdivisions of this type, in the future, the Official Plan and the new reality of climate change and extreme weather events, perhaps the design criteria should be revised to incorporate what has been discussed on this topic. (i.e. if a house is allowed to occupy a maximum of 30% of a lot, that does not discuss swimming pools, covered pergolas, patios and hard surfaces in the backyard)

Member Pratt questioned if a landscape plan should be developed for this property and further noted that there is a planted area almost all the way around the property, which would be very permeable. Manuel noted there was not a landscape plan attached to the site plan. Member Pratt further noted that since it is not a landscape plan, they can not assume that what is showing on the site plan will be created.

Chair Waind then opened the public portion of the hearing and asked if anyone in attendance wished to speak to the application.

Marette Majestic Pool, and Agent for the Application spoke regarding the landscape plan noting the owner is very interested in planting trees and plants, for the visual aspect as well as to block the public walking path which overlooks into their backyard. Marette further noted that there are not specific trees or shrubs that have been detailed out now, that is the plan to put the landscape features in. Marette spoke regarding the wood deck noting it is a separate application and was added to the site plan for this application, so it did not appear to be a big gap in the drawings. Marette further noted the patio will be an interlock patio with sand swept in and will be permeable as well, just like the deck.

Member Martin spoke regarding lot coverage noting there is still 70% uncovered and further noted the importance of looking at it both ways.

Member Oliver spoke regarding the new decking on the right of the existing loggia and questioned if it would be uncovered and further questioned if there was a proposed roof, if it would require a separate permit and therefore would become part of the 30% maximum. Marette noted that will be an uncovered deck and there is no intention of covering that deck.

Member McKinlay spoke regarding the existing loggia noting the definition of a loggia is gallery or room with a roof with one side open and questioned if that was the case here and if it figured into the 32.8%. Marette confirmed it was included in the calculations.

Moved by: Jim Oliver

Seconded by: Michael Martin

THAT the Committee of Adjustment receive Staff Report PDS.24.130, entitled "Recommendation Report – Minor Variance A35-2024 – 121 Stoneleigh Drive (Pigat and Muccilli);

Yay (5): Michael Martin, Jim Oliver, Duncan McKinlay, Jan Pratt and Robert Waind

**The motion is Carried (5 to 0)**

Moved by: Michael Martin

Seconded by: Duncan McKinlay

AND THAT the Committee of Adjustment GRANT a minor variance for A35-2024 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 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 within two years, the variance shall expire on October 16, 2026.

Yay (5): Michael Martin, Jim Oliver, Duncan McKinlay, Jan Pratt and Robert Waind

**The motion is Carried (5 to 0)**

## **B.2 Minor Variance Application No. A36-2024**

Owner: Gina and John Izumi

Applicant/Agent: Michael Scott, Simcoe Decks

Municipal Address: 188 West Ridge Road

Legal Description: Plan 16M83 Lot 20

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 questioned if the proposal in the application will interfere with drainage which staff confirmed.

Chair Waind then opened the public portion of the hearing and asked if anyone in attendance wished to speak to the application.

Michael Scott, Agent for the Applicant spoke noting he has no comments.

Member McKinlay questioned where it notes the encroachment of 1.5 metre and 5.75 metre and whether it is allowing an encroachment into a side yard setback or is it a drainage swale or what is it encroaching into. Manuel noted that for a deck to be permitted there is a 1.5 increase within the bounds that they are allowed to extend up to, without needing a variance. Manuel further noted that with this application they are requesting 5 metres and therefore requiring a variance. Manuel noted the .75 metres is extra space because the minimum requirement from the rear lot line is 9, therefore they have .74 extra metres to use on the property.

Chair Waind noted it is a small section in the bottom corner.

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: Michael Martin

THAT the Committee of Adjustment receive Staff Report PDS.24.131, entitled "Recommendation Report – Minor Variance A36-2024 – 188 West Ridge Road (Izumi)"

Yay (5): Michael Martin, Jim Oliver, Duncan McKinlay, Jan Pratt, and Robert Waind

**The motion is Carried (5 to 0)**

Moved by: Duncan McKinlay

Seconded by: Jan Pratt

AND THAT the Committee of Adjustment GRANT a minor variance for A36-2024 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 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 within two years, the variance shall expire on October 16, 2026.

Yay (5): Michael Martin, Jim Oliver, Duncan McKinlay, Jan Pratt, and Robert Waind

**The motion is Carried (5 to 0)**

**B.3 Minor Variance Application No. A37-2024 & Consent Application No. B16-2024**

Owner: CV Farmco Ltd

Applicant/Agent: Kristine Loft, Loft Planning

Municipal Address: 415782 10th Line

Legal Description: Concession 11 Part Lot 12

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 spoke noting his confusion as there was another application a few years ago for a parcel to come off the holding and questioned if that is now splitting that parcel into two or was it previously created the same size as the retained parcel after this hearing. Shawn spoke noting there was a previous consent application that was approved and is an existing lot in the northeast corner. Shawn further noted that those lands are not subject to this application and this application is proposing a lot addition from the original larger farm parcel to amalgamate the farm parcel to the south. Shawn further noted that two farm parcels will merge and the retained lot, left over after the merger is the one-hectare, similar size and shape lot that was created through the previous consent. Shawn noted that we are considering a lot of addition with the application with a retained lot that essentially creates a rural non-farm residential lot,

similar to the previous application. Chair Waind clarified that there will be one new additional non-farm residential lot. Shawn noted the original application that was considered months ago, those lands are not being considered under this application and clarified that what was created from the other application was a new lot creation, from a farm or agricultural parcel and is not part of this parcel. Chair Waind noted that this is a new parcel, south of the other parcel previously severed that Shawn confirmed and noted that what was retained in the application months ago is the farm parcel that is being considered as part of this lot addition and rural residential parcel.

The Committee and Staff further discussed the details of the consent application.

Member McKinlay questioned if the retained parcel includes the existing home on the severed parcel. Manuel noted it does not. Member McKinlay further noted the retained parcel would be eligible for a farm dwelling severance. Shawn noted the rural residential lot that would result from this application includes the dwelling, the larger far parcel that would be amalgamated does not include a dwelling on it.

Member Oliver referred to page two of the staff report and noted his understanding is that this would not allow any more residential buildings to be build than are presently able to be built. Shawn noted that is correct. Member Oliver further sought further clarification noting that the proposed severed property could have a home built on it one day, as it is noted as a residential property. Shawn noted that the report notes it is agricultural lands on the retained parcel and the agricultural component is noted as the severed parcel and the rural residential lot is noted as the retained parcel and clarified that when we are talking about retained lands, we are talking about the 1.15-hectare rural residential lot. Shawn noted when speaking about the severed parcel it is the agricultural lands. Member Oliver noted that on the 1.15-acre, new lot, is there a building on it now. Shawn confirmed there is a house and after the merger of the two agricultural parcels, there is an existing house on the southernly parcel so the existing dwelling would remain, with the newly enlarged parcel.

The Committee further discussed the retained and severed parcels of land.

Kristine Loft, Loft Planning and Agent for the Application spoke providing information regarding the applicants. Kristine noted the subject property is 415814 10<sup>th</sup> Line and noted the lot area is 41 hectares of the subject property. Kristine noted they were here a year and a half ago for a consent which was taken off the northeast corner, and not part of the subject lands. Kristine noted the Committee approved that consent and the reference plan has been deposited and that lot is created and further noted that lot was vacant and is still vacant and owned by the same family. Kristine spoke regarding the subject lands noting it has an existing home on it and the property is 41 hectares in size,



229 metres of frontage onto the 10<sup>th</sup> Line, includes the existing house, well and septic. Kristine noted the surrounding lands include agricultural lands and woodlands on all four corners.

Kristine provided an overview of her presentation in support of the application.

The Committee further discussed the merits of the application.

Member McKinlay noted that with the recent changes to the Planning Act, there will be nothing to stop any farm family from creating another residence on the farm but not with a hope of getting a severance. Kristine noted that was correct, as an accessory dwelling. Member McKinlay further noted these are the rules of the time, as the government is trying to create more housing units in Ontario, through changes in planning rules.

Member Oliver noted that he mistakenly thought the boundary of the new retained parcel was going to be on the south side of the residence and therefore why he had thought there was no residence on it and noted his appreciation for the clarification.

Member Oliver spoke questioning when the 39.6 hectares is amalgamated with the 43.5 hectare, to make the enlarged agricultural parcel, which has the residence on it now, and if under the regular policies no more lots could be created off of that, Member Oliver questioned if creating the 83.83 hectare new, and enlarged parcel makes it any easier for the owner to subsequently get a severance or would it still be subject to one residence on an agricultural parcel, under the provincial policy. Kristine noted the severed lands and the lands to the south are both prime agricultural land so there is very limited severance potential, and the only potential would be a 40/40 split. Kristine further noted that there is no potential for any type of smaller lot creation. Member Oliver questioned the 40/40 split noting if that were to occur, they would be able to have one more new residential property built. Kristine noted yes, on a farm parcel and noted the this is not the intent of the owners.

Chair Waind questioned what policy in the Official Plan that prevents in a year and half from now, these parcels going back to how they are now. Shawn noted that the Town can not predict future applications but noted that staff looks at existing policies that are in place now and the main policies that staff are focused on regarding this application. Shawn further noted in this particular area, a new farm unit would be created while retaining a farm unit and therefore the lots would be 40 hectares in size at minimum. Shawn noted the second thing staff review is the maximum number of lots that are permitted to be created within the original township lot. Shawn further noted that under the Town's Official Plan you are allowed to have a total of five and if the Committee approves this one, there would be room for two more, to meet the lot

density requirements. Shawn further noted that whatever is more restrictive is what applies, and all policies have to be met and noted staff have to evaluate all against the application that is being received.

Kristine noted that the remainder of the land is prime agricultural and suggested that this property would not come close to the density count, because of the prime agricultural. Kristine further noted the only rural area is between the 10<sup>th</sup> Line and the pond and watercourse.

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: Michael Martin

THAT the Committee of Adjustment receive Staff Report PDS.24.132, entitled “Recommendation Report – Minor Variance A37-2024 and Consent B16-2024 – 415814 1 10<sup>th</sup> Line (CV Farmco Ltd.);”

Yay (5): Michael Martin, Jim Oliver, Duncan McKinlay, Jan Pratt and Robert Waind

**The motion is Carried (5 to 0)**

Moved by: Michael Martin

Seconded by: Duncan McKinlay

AND THAT the Committee of Adjustment GRANT a minor variance for A37-2024 subject to the following conditions:

1. That the lot addition be completed substantially in accordance with the submitted site plan; and
2. That this variance to the Zoning By-law is for the purpose of a lot addition and is only valid for a period of two (2) years from the date of decision. Should the new

lot not be registered within two years, the variance shall expire on October 16, 2026.

Yay (4): Michael Martin, Duncan McKinlay, Jan Pratt, and Robert Waind

Nay (1): Jim Oliver

**The motion is Carried (4 to 1)**

Member Oliver noted his recollection of the original application a couple of years ago and noted that at that time, he was opposed to the consent for the simple reason of taking potentially usable agricultural land out of production. Member Oliver further noted that he known that two years hence there would be another application to essentially do the same thing again, he would have spoken even more strongly than he did in the first case, against the other application. Member Oliver further noted his appreciation for the information from Kristine in terms of recognizing that by creating an enlarged 83 hectare parcel, with on residence on it, there would nothing stopping the owner a year or two years down the road, to come back and the new Committee of Adjustment being asked to split that into two forty parcels which is then going to allow a new residence to be built on agricultural land and noted his concern regarding that.

Chair Waind noted it is creative planning.

Member McKinlay noted that previously he would have agreed with Member Oliver 100% and enraged with anything that removes land from agricultural but when some of the best lands in Ontario are going to be an industrial park and with thousands of acres of good land going to be Highway 413 and all other cities stretching onto pretty good land and the way this is being presented is sound within the planning framework.

Moved by: Duncan McKinlay

Seconded by: Jan Pratt

AND THAT the Committee of Adjustment GRANT a consent for B16-2024 to permit a lot addition, subject to the following conditions:

1. That the severed parcel be deeded as a lot addition to the property adjacent to the east legally known as CON 11 S PT LOT 12 and any subsequent transfer, charge or other conveyance of the land to be severed is subject to Section 50(3) or (5) of the Planning Act.
2. That the Owner meets all the requirements of the Town, financial or otherwise, for the Certificate of Consent to be issued;

3. The Owner provides proof of mortgage details for both the enlarged lot and retained lots;
4. That the Owner provides a description of the land which can be registered in the Land Registry Office;
5. That all above conditions be fulfilled within two years of the Notice of Decision so that the Town Clerk is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

Yay (4): Michael Martin, Duncan McKinlay, Jan Pratt, and Robert Waind

Nay (1): Jim Oliver

**The motion is Carried (4 to 1)**

## **C. Deferred Applications**

### **C.1 Minor Variance Application No. A33-2024**

Owner: NW Property Corp.

Applicant/Agent: Kristine Loft, Loft Planning Inc.

Municipal Address: 495972 Grey Road 2

Legal Description: 495972 Grey Road 2, Plan 114, Part Lot 1

Chair Waind noted that this Application was deferred from the September meeting and noted that there is further information regarding this Application. Planning Staff then provided an overview of the review and recommendations contained in the Staff Recommendation Report.

Chair Waind noted there is additional parking in Ravenna, which may not be really convenient to the store, but there parking available which should not make Ravenna any worse than it is now. Shawn noted the parking report identifies where the additional parking is and working with the applicant, the solution with tandem, as proposed satisfied staff that addition can go ahead, while allowing the tandem parking arrangement for staff and residents of the residential unit.

Member Oliver spoke regarding tandem parking, noting his agreeance to the solution and questioned if the cars would be parked nose to tail, with staff using the deeper part of the parking space and a customer could park behind them, and go and out of the store.

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.24.129, entitled "Recommendation Report – Minor Variance A33-2024 – 495972 Grey Road 2 (NW Property Corp.) ADDENDUM;"

Yay (5): Michael Martin, Jim Oliver, Duncan McKinlay, Jan Pratt, and Robert Waind

**The motion is Carried (5 to 0)**

Moved by: Duncan McKinlay

Seconded by: Jan Pratt

AND THAT the Committee of Adjustment GRANT a minor variance for A33-2024 subject to the following conditions:

1. The owner enters into a legal agreement with the County to recognize the encroachment onto a County Road, the terms of which must be to the satisfaction of the County of Grey;
2. A letter of exemption to the County Road Setback By-law be obtained from the County of Grey for the proposed addition;
3. That the site development be constructed in a manner substantially in accordance with the submitted site plan;
4. 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 within two years, the variance shall expire on October 16, 2026.

Yay (5): Michael Martin, Jim Oliver, Duncan McKinlay, Jan Pratt, and Robert Waind

**The motion is Carried (5 to 0)**

**C.2 Minor Variance Application A26-2024 - 191 Summit View Crescent, Re: Further Deferral of Application**

The Secretary-Treasurer provided the Committee with an update regarding this Application noting the Agent for the Applicant has submitted the requested report to Grey Sauble Conservation Authority and are waiting to hear back from them and therefore requesting a further deferral of the Application.

Moved by: Duncan McKinlay

Seconded by: Jan Pratt

THAT the Committee of Adjustment further DEFERS Minor Variance Application A26-2024, to a future Committee of Adjustment Meeting.

Yay (5): Michael Martin, Jim Oliver, Duncan McKinlay, Jan Pratt, and Robert Waind

**The motion is Carried (5 to 0)**

**D. Committee Member Expenses**

The Committee Members provided their travel expenses to the subject properties, to the Secretary-Treasurer.

**E. Notice of Meeting Date**

November 20, 2024

Town Hall, Council Chambers, and Virtual

December 18, 2024

Town Hall, Council Chambers, and Virtual

**F. Adjournment**

Moved by: Jim Oliver

Seconded by: Jan Pratt

THAT the Committee of Adjustment does now adjourn at 2:35 p.m. to meet again at the call of the Chair.

Yay (5): Michael Martin, Jim Oliver, Duncan McKinlay, Jan Pratt, and Robert Waind

**The motion is Carried (5 to 0)**