



# Minutes

## The Blue Mountains, Committee of Adjustment

**Date:** March 19, 2025  
**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:** Duncan McKinlay, Robert Waind, Jim Oliver

**Members Absent:** Michael Martin, Jan Pratt

**Staff Present:** Manager of Community Planning, Shawn Postma and Planner I  
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

Chair Oliver attended the meeting Virtually and Vice Chair McKinlay Chaired the meeting. Vice Chair McKinlay called the meeting to order at 1:00 p.m.

Secretary-Treasurer Carrie Fairley noted all members were present save and except for Members Martin and Pratt, who sent their regrets.

### **A.3 Approval of Agenda**

Moved by: Robert Waind

Seconded by: Jim Oliver

THAT the Agenda of March 19, 2025, be approved as circulated, including any additions to the agenda.

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

Absent (2): Michael Martin, and Jan Pratt

**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: Robert Waind

THAT the Minutes of February 19, 2025, be approved as circulated, including any revisions to be made.

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

Absent (2): Michael Martin, and Jan Pratt

**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 Minor Variance Application No. A02-2025**

**Owner: Tina and John Edwards**

**Applicant/Agent: Kaegan Walsh Architect Ltd.**

**Municipal Address: 150 Bay Street East**

**Legal Description: P 395 PT LOT 18 RP 16R2399 PART 2**

Vice Chair McKinlay 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 Oliver spoke regarding the building footprint and percentage of lot coverage and specifically this property having a lot coverage of 36%, when the by-law limits lot coverage at 30%. Chair Oliver questioned if the percentage of lot coverage was taken into consideration with any of the other minor variance applications that were granted, and if not, why not. Planner Manuel noted he has reviewed the previous files and upon his review the previous planners had not provided any information regarding lot coverage, nor was it considered.

Vice Chair questioned if the recommendation before the Committee today deals with lot coverage. Manuel noted it acknowledges the existing lot coverage as currently stated, due to those variances that have occurred, along with the zoning by-law amendment, it would be considered a legal nonconforming building. Manuel further noted that this is an expansion, but ever so slightly, no more than 0.7% of the existing footprint, which is viewed as minor.

Chair Oliver noted his concerned regarding how the lot coverage criteria in the by-law could be ignored, especially in the most recent decision, which was in 2021. Chair Oliver further noted that this application is by comparison, a very minor change.

Kaegan Walsh, Agent for the Application provided an overview of his presentation in support of the application.

Chair Oliver questioned if the garage would still come out, underneath the deck, which Kaegan confirmed.

Member Waind noted there were a couple of issues raised by the conservation authorities, as noted in the comments and questioned if the Agent has addressed them and if the Applicant is prepared to have the issues embedded in the decision of the Committee, if rendered today. Member Waind then noted to staff that there is no mention of the issues raised by the conservation authorities in the draft recommendation. Kaegan noted that they have been in touch with Grey Sauble Conservation Authority as this property is located in their jurisdiction. Kaegan further noted that the Applicants have no intention of modifying or altering the trees on the property. Member Waind asked Staff if they were satisfied that the Committee can render a decision without any reference to the comments and concerns of the conservation authority. Manuel noted that staff are satisfied and further noted that as of this meeting, no comments have been received from Grey Sauble Conservation Authority. Manuel further noted that if the Committee would like those conditions to be added to the decision, they can be added.

Chair Oliver spoke regarding the previous minor variances and the impact on the footprint of the building – the 30% maximum and questioned the applicants if they have any recollections of those discussions regarding those previous reliefs. John Edwards, Applicant, spoke noting his recollection of the variances is one was in place when they purchased the house and was grandfathered to them, and was for an existing deck. John noted the two small variances in the back were approximately 80 square feet each and does not recall if calculations regarding the lot coverage were done at that time. John further noted he does not believe that lot coverage was brought up when making the applications. John further noted that they have spoken with Grey Sauble Conservation Authority who advised they have no problems with this application and reiterated that they have no intentions of removing or disturbing the trees on the property.

Vice Chair McKinlay 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, Vice Chair McKinlay closed the public meeting.

Chair Oliver requested reassurances from staff that Grey Sauble was circulated this application, and no comments were provided by them or requirements for permitting.

Manuel noted the application was circulated and further noted that no comments have been received from Grey Sauble Conservation Authority and if a permit was required, it would be contained in the conditions.

Moved by: Robert Waind

Seconded by: Jim Oliver

THAT the Committee of Adjustment receive Staff Report PBS.25.017, entitled “Recommendation Report – Minor Variance A02-2025 – 150 Bay Street East (Edwards);”

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

Absent (2): Michael Martin, and Jan Pratt

**The motion is Carried (3 to 0)**

The Committee further discussed the merits of the application and modifications to the recommended motion.

Vice Chair McKinlay allowed the applicant, John Edward to provide a final comment to the Committee. John spoke regarding Grey Sauble Conservation Authority noting it was his understanding that they had already given them, in writing an approval of the requested variance. Kaegan confirmed that was correct and it had been sent to the Town.

Moved by: Robert Waind

Seconded by: Jim Oliver

AND THAT the Committee of Adjustment GRANT an expansion to a legal non-conforming use under Application A02-2025 in order to permit a 4.5 square metre addition in the southwest corner of the existing dwelling, and to increase the maximum lot coverage by 0.7% 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 any required permit from the Grey Sauble Conservation Authority be obtained and provided; 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 within two years, the variance shall expire on March 19, 2027.

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

Absent (2): Michael Martin, and Jan Pratt

**The motion is Carried (3 to 0)**

**B.2 Minor Variance Application No. A03-2025**

**Owner: Ryan Jennett**

**Applicant/Agent: Abbey Scott, First Step Building Consultants**

**Municipal Address: 417208 10th Line**

**Legal Description: COLLINGWOOD CON 11 PT LOT 34 RP 16R2078 PT PART 1**

Vice Chair McKinlay 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.

Abbey Scott, First Step Building Consultants, Agent for the Application provided information to the Committee regarding the application, in support of the Application.

Member Waind noted his support of the application.

Vice Chair McKinlay 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, Vice Chair McKinlay closed the public meeting.

Moved by: Robert Waind

Seconded by: Jim Oliver

THAT the Committee of Adjustment receive Staff Report PBS.25.018, entitled "Recommendation Report – Minor Variance A03-2025 – 417028 10<sup>th</sup> Line (Jennett);"

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

Absent (2): Michael Martin, and Jan Pratt

**The motion is Carried (3 to 0)**

Moved by: Jim Oliver

Seconded by: Robert Waind

AND THAT the Committee of Adjustment GRANT a minor variance for A03-2025 in order to permit a 115.02 square metre addition within the northerly side yard 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 March 19, 2027.

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

Absent (2): Michael Martin, and Jan Pratt

**The motion is Carried (3 to 0)**

**B.3 Minor Variance Application No. A04-2025**

**Owner: Lorayne and Robert Maaskant**

**Applicant/Agent: Abbey Scott, First Step Building Consultants**

**Municipal Address: 125 Blue Mountain Dr.**

**Legal Description: PLAN 529 W PT LOT 56 RP 16R1328 PART 1**

Vice Chair McKinlay 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.

Abbey Scott, First Step Building Consultants, Agent for the Application provided information to the Committee on this Application and noted it is a relocation of a staircase. Abbey further provided background information regarding the subject property and why the Application is before the Committee.

Vice Chair McKinlay 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, Vice Chair McKinlay closed the public meeting.

Moved by: Jim Oliver

Seconded by: Robert Waind

THAT the Committee of Adjustment receive Staff Report PBS.25.019, entitled  
“Recommendation Report – Minor Variance A04-2025 – 125 Blue Mountain Drive  
(Maaskant);”

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

Absent (2): Michael Martin, and Jan Pratt

**The motion is Carried (3 to 0)**

Member Waind noted his support for this Application and stated that this part of the property is an unhabitual section of the property.

Moved by: Robert Waind

Seconded by: Jim Oliver

AND THAT the Committee of Adjustment GRANT minor variance A04-2025 in order to permit deck stairs to be located 8.08 metres from the 177.9 GSC Elevation line subject to the following conditions:

1. The positive comments are received from Grey Sauble Conservation Authority regarding hazards associated with Georgian Bay and a permit can be obtained, if required;
2. That the site development be constructed in a manner substantially in accordance with the submitted site plan;
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 within two years, the variance shall expire on March 19, 2027.

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

Absent (2): Michael Martin, and Jan Pratt

**The motion is Carried (3 to 0)**



**B.4 Consent Application No. B02-2025, B03-2025 and B04-2025**

**Owner: 1000925296 Ontario Inc.**

**Applicant/Agent: Kristine Loft, Loft Planning Inc.**

**Municipal Address: 372 Grey Road 21**

**Legal Description: PT LT 147-148 PL 529 COLLINGWOOD AS IN R262179; S/T R272237, R297829, R301646; THE BLUE MOUNTAINS**

Vice Chair McKinlay 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 with Planning Staff.

Vice Chair McKinlay spoke regarding a question from the public, if this would be engineered and noted the Grey Sauble Conservation Authority permit for the works will require extensive engineering for the design. Manuel confirmed that was correct. Vice Chair McKinlay sought clarification that these applications are to provide drainage for the newly created lots, which staff confirmed. Vice Chair McKinlay spoke about another question from the public regarding basements and noted the Staff Report provides information regarding that decision being a part of the Consent Approval.

Member Waind questioned which municipal road the lots will front onto, which Manager of Community Planning confirmed is Grey Road 21. Member Waind further discussed the location of the easements, which are separate and independent, and the easement is going to be separate and apart of the lots created in the Consent. Vice Chair McKinlay noted the easement is on the adjacent property and is an easement to use the adjacent property for drainage purposes through the instrument of an easement. Member Waind noted nothing will be on title for the three registered lots for the easements. Member Waind further noted the easement is being created on land separate and apart from the three lots that were created and Shawn Postma confirmed that to be correct. Member Waind further questioned why there are three applications as it is only one easement over the entire parcel, that is being created. Shawn agreed there is one easement being created and that easement will be tied back to each individual lots. Member Waind noted that it is a lot being created subject to an easement over that parcel. Vice Chair McKinlay questioned if this is before the Committee due to a condition on the Consent of each of these lots that with there would be the creation of an easement and each lot would be a party to by a mechanism

that was not determined at the time of the acceptance of the Consent. Shawn Postma noted it is providing an outlet for drainage for three lots that were previously created by Consent and each one of those Consent Applications has a condition that requires this easement for drainage purpose, on adjacent lands. Member Waind noted that the easements will not be registered on these individual parcels of land.

The Committee further discussed the merits of easements in these Applications.

Chair Oliver noted his understanding that on title for each of the three parcels a registered access to the easement, behind their lot, both for run off water to flow into it and responsibility to help maintain it. Chair Oliver questioned why the easement extends as far south as it does and if that is for future development of additional lots.

Kristine Loft, Loft Planning, Agent for the Applicant provided an overview of her presentation in support of the Application. Kristine noted the easement travels from the south end from the existing wetland area, where the existing water flows. Kristine further noted that water in this area is sheet flowing over the easement location and provisionally approved lots and what the easement will do is shift that flow that is happening today in the form of sheet flow around those provisionally approved lots through the easement travelling north where it flows today, through an existing culvert towards the bay. Kristine noted that why the easement is located further south than the provisionally approved lots. Kristine further noted that basements will not be permitted to be built on these homes. Kristine provided more information to the Committee regarding the easements and conditions of the provisional consent.

Chair Oliver questioned if the design of the swale has been reviewed and approved by the Grey Sauble Conservation Authority. Kristine noted the Conservation Authority has accepted and supported the engineering that was completed and condition regarding an agreement be in place to utilize this swale for the three proposed lots. Chair Oliver confirmed the highest portion of the swale would be above the level of the wetland. Kristine confirmed that is correct.

Member Waind sought clarification that the easements would be registered on title of the severed parcels. Kristine noted the easements would be in favour of each of the three lots and further noted the consents are still provisional as there are a number of conditions still to be met and when the lots are registered, easements will be registered in favour of the three lots. Member Waind noted the new three lots that are being created are subject to an easement. Member Waind further noted the easement will be a stand-alone parcel and questioned if they would be in favour of the Town. Kristine noted they would be in favour of each of the individual lots, having the right for

drainage to flow from the rear of those properties, into the swale. Kristine further noted this provides the homeowner the ability to clean them of blockage. Member Waind sought clarification on who has the benefit of the easement and Kristine noted it is the three lots. Member Waind questioned if a title search was completed on one of the properties, the only way they would know about this easement is by doing a sub-search on adjacent lands to find out there is an easement in favour of the lot. Kristine noted it would be on the deed and Member Waind questioned how it would be on the deed if the lot is not subject to an easement. Kristine noted the legal description will include reference to an easement. Member Waind noted it is either a separate parcel or each lot is subject to the benefit of an easement, or it is a stand-alone easement for the benefit of the three lots. Member Waind noted his worries that this will be difficult to reconcile when these parcels are registered. Member Waind questioned if the access to the easement will be through these three lots being created. Kristine confirmed that is correct. Member Waind further questioned if the other lots are in benefit of the easement and if they have agreed to accept it. Kristine noted the easement covers only the three lots before the Committee and the existing water flows all in that direction and why the Conservation Authority, County and the Town agreed to the engineering is because the water flows in that direction today, and the water flowing will not be any more extensive than it is today, for the corner property. Kristine further noted the corner property is owned by a utility and all the water in that area flows over this property, north heading to the bay and in this case is hitting the culvert at Highway 26 and Grey Road 21.

The Committee further discussed the application including the flow of the water. Kristine provided more information to the Committee regarding how construction will shift the flow of water around the rear of the lots and channel the water in a swale.

Chair Oliver questioned if the owner of lot 41 been notified of this Application before the Committee. Manuel confirmed that they were provided with Notice. Chair Oliver further noted there were no comments received in favour or against this from that property owner.

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

Lucy Richmond, Blue Mountain Watershed Trust Foundation, provided an overview of her presentation, not in support of the application.

As there was no one else in attendance to speak in favour of or in opposition to the proposal, Vice Chair McKinlay closed the public meeting.

Moved by: Robert Waind

Seconded by: Jim Oliver

THAT the Committee of Adjustment receive Staff Report PBS.25.016, entitled  
“Recommendation Report – Consent Application B02-2025, B03-205, B04-2025 – 372  
Grey Road 21 (10000925296 Ontario Inc)

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

Absent (2): Michael Martin, and Jan Pratt

**The motion is Carried (3 to 0)**

Moved by: Jim Oliver

Seconded by: Robert Waind

AND THAT Committee of Adjustment GRANT provisional consent to application B02-  
2025, B03-2025, B04-2025, each subject to the following conditions:

1. That the Owner meets all the requirements of the Town, financial or otherwise, for the Certificate of Consent to be issued;
2. The downstream improvement to the culvert be completed in its entirety and be certified by the project engineers as a condition of the severance. A permit for this work will be required from GSCA;
3. Completion of the groundwater monitoring program and demonstration of the results that demonstrate that all adjacent residential development is located above the water table
4. That the Owner to implement the general mitigation plan outline in the Environmental Impact Study conducted by Birks Natural Heritage Consultants, Inc dated March 2022;
5. A restoration/enhancement plan shall be submitted to the satisfaction of the County and must include tree compensation at 2:1 compensation rate for any native tree removal over 10 centimeters diameter at breast height that is necessary to accommodate the proposed development;
6. That a permit is obtained from the Ministry of Transportation Ontario for building and land use, if required;
7. Registered easement details to be entered upon to permit the adjacent lots to utilize the proposed easement for drainage purposes, maintenance and any additional requirements to the satisfaction of the Town, if required;

8. That the Owner provides a description of the land which can be registered in the Land Registry Office; and
9. That all above conditions be fulfilled within two years of the Notice of Decision so that the Secretary-Treasurer is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

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

Absent (2): Michael Martin, and Jan Pratt

**The motion is Carried (3 to 0)**

### **C. Other Business**

None

### **D. Committee Member Expenses**

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

### **E. Notice of Meeting Date**

April 16, 2025

Town Hall, Council Chambers, and Virtual

May 21, 2025

Town Hall, Council Chambers, and Virtual

### **F. Adjournment**

Moved by: Robert Waind

Seconded by: Jim Oliver

THAT the Committee of Adjustment does now adjourn at 3:50 p.m. to meet again at the call of the Chair.

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

Absent (2): Michael Martin, and Jan Pratt

**The motion is Carried (3 to 0)**