



Minutes

The Blue Mountains, Committee of Adjustment

Date: January 19, 2022
Time: 1:00 p.m.
Location: Town Hall, Council Chambers - Virtual Meeting
32 Mill Street, Thornbury, ON
Prepared by:
Kyra Dunlop, Secretary/Treasurer

Members Present: Bill Remus, Peter Franklyn, Jim Uram, Jim Oliver

Members Absent: Robert Waind

Staff Present: Planner II Travis Sandberg, Planner I Natalya Garrod

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

Vice Chair Peter Franklyn called the meeting to order at 1:00 p.m.

Secretary Treasurer Kyra Dunlop confirmed all members were present except Chair Robert B. Waind who sent his regrets.

Vice Chair Franklyn welcomed new Committee Member Jim Oliver to the Committee. Jim provided a brief overview of his background and thanked the Committee for the welcome.

A.3 Approval of Agenda

Moved by: Jim Uram

Seconded by: Jim Oliver

THAT the Agenda of January 19, 2022 be approved as circulated, including any additions to the agenda.

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

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 2020-49, and the Town Procedural By-law 2021-76, 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

B. Deputations/Presentations

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.

None

C. Minor Variance Applications

Vice Chair Franklyn noted that there were a significant number of applications to hear at the meeting and requested that applicants and their agents provide succinct and necessary comments to ensure the Committee had sufficient time to receive all information and make their decision. Vice Chair Franklyn noted his appreciation for everyone's cooperation in this regard.

C.1 Application No. A02-2022

Owners: Centennial Construction and Contracting (Niagara) Inc.

Applicant/Agent: Antony Caneloro

Legal Description: Units 101, 97, 95, 87, 94, 93, 99, Grey Vacant Condominium Plan 110.

Municipal Address: 104 Sebastian Street

Vice Chair Franklyn read aloud the Public Meeting Notice and Planning staff also 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 also 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.

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

Antony Caneloro, the applicant, provided their opinion in support of the application. Mr. Caneloro noted his thanks to the Committee and staff for their review of the applications. Mr. Caneloro advised that the development was a registered condominium as of 2018 and that there were a number of townhouse and single detached units under construction at present, with 84 townhouse units completed to date. Mr. Caneloro advised that Minor Variance Applications A02-2022 to A06-2022 were being brought forward as the units exceeded the height requirements under the Zoning By-Law. Mr. Caneloro noted that the high water table in the subdivision area had required the raising of the building footings.

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

Councillor Uram noted that application A02-2022 through A06-2022 were all within one proposed Plan of Subdivision. Councillor Uram noted that people often search the Plan of Subdivision first to search title and asked if the applications were being linked to the Plan of Subdivision. Travis Sandberg, Planner II, noted that the vacant land had been registered with each parcel having a Property Identification Number (PIN) assigned for each unit. Travis advised that each application would be linked to the condominium plan.

Councillor Uram asked if the public would be able to access title searches regarding the condominium agreement once the units were built and sold. Travis advised that he would follow up with the Legal Services Department as he was not sure if the Land Registry Office (LRO) title search would show the agreements attached. Travis noted that the public could request that

information at any time through a Freedom of Information Request as the Town kept these records in their planning files.

Committee Member Jim Oliver noted that the Grey Sauble Conservation Authority had provided comments on the application which had not been included in the staff report and asked if permits may be required under regulations. Travis noted that the Conservation Authority Development Permits would be part of the Zoning Review and requirements would be identified prior to the issuance of a Building Permit from the Town. Travis noted that staff would also flag the Ministry of Transportation Building and Land Permit requirement through the permit process.

Vice Chair Franklyn asked if the high water table was the only issue requiring the Minor Variance Application for the units. Mr. Candeloro noted that that the water table was a key issue. Mr. Candeloro noted that units had been pre-sold prior to finding out that the height would exceed the maximum height requirements under the Zoning By-Law. Mr. Candeloro noted that he had received permits issued by both the Ministry of Transportation and the Grey Sauble Conservation Authority. Jim asked if the water level was a result of the Georgian Bay water table or groundwater table level. Antony advised it was the groundwater table level.

Moved by: Jim Oliver

Seconded by: Bill Remus

THAT the Committee of Adjustment receive Staff Report PDS.22.017, entitled "Recommendation Report – Minor Variance A02-2022 to A06-2022 inclusive (Centennial Construction and Contracting (Niagara) Inc.) – 104 Sebastian Street, 100 Sebastian Street, 119 Sebastian Street, 101 Sebastian Street and 103 Sebastian Street"

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

Moved by: Jim Uram
Seconded by: Jim Oliver

AND THAT the Committee of Adjustment GRANT Minor Variance Application A02-2022 for the properties legally described as Grey Vacant Land Condominium Plan 110, Level 1, Unit 97 in order to permit an increase in maximum building height for a single detached dwelling unit, subject to the following conditions:

- 1) That the site development be constructed in a manner substantially in accordance with the applicant's proposed building elevations attached as Attachment #1;
- 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 years from the date of decision, should a building permit not be issued by the Town within two years, the variance shall expire on January 19, 2024.

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

C.2 Application No. A03-2022

Owners: Centennial Construction and Contracting (Niagara) Inc.

Applicant/Agent: Antony Candeloro

Legal Description: Units 101, 97, 95, 87, 94, 93, 99, Grey Vacant Condominium Plan 110.

Municipal Address: 100 Sebastian Street

Vice Chair Franklyn read aloud the Public Meeting Notice and Planning staff also 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 also 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.

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

Antony Candeloro, the applicant, provided their opinion 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 Franklyn closed the public meeting.

The Committee had no further comments or questions.

Moved by: Jim Oliver

Seconded by: Bill Remus

AND THAT the Committee of Adjustment GRANT Minor Variance Application A03-2022, for the properties legally described as Grey Vacant Land Condominium Plan 110, Level 1, Unit 95, in order to permit an increase in maximum building height for a single detached dwelling unit, subject to the following conditions:

- 1) That the site development be constructed in a manner substantially in accordance with the applicant's proposed building elevations attached as Attachment #1;
- 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 years from the date of decision, should a building permit not be issued by the Town within two years, the variance shall expire on January 19, 2024.

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

C.3 Application No. A04-2022

Owners: Centennial Construction and Contracting (Niagara) Inc.

Applicant/Agent: Antony Candeloro

Legal Description: Units 101, 97, 95, 87, 94, 93, 99, Grey Vacant Condominium Plan 110.

Municipal Address: 119 Sebastian Street

Vice Chair Franklyn read aloud the Public Meeting Notice and Planning staff also 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 also 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.

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

Antony Candeloro, the applicant, provided their opinion 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 Franklyn closed the public meeting.

The Committee had no further comments or questions.

Moved by: Bill Remus

Seconded by: Jim Oliver

AND THAT the Committee of Adjustment GRANT Minor Variance Application A04-2022, for the properties legally described as Grey Vacant Land Condominium Plan 110, Level 1, Unit 87 , in order to permit an increase in maximum building height for a single detached dwelling unit, subject to the following conditions:

1) That the site development be constructed in a manner substantially in accordance with the applicant's proposed building elevations attached as Attachment #1;

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 years from the date of decision, should a building permit not be issued by the Town within two years, the variance shall expire on January 19, 2024.

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

C.4 Application No. A05-2022

Owners: Centennial Construction and Contracting (Niagara) Inc.

Applicant/Agent: Antony Candeloro

Legal Description: Units 101, 97, 95, 87, 94, 93, 99, Grey Vacant Condominium Plan 110.

Municipal Address: 101 Sebastian Street

Vice Chair Franklyn read aloud the Public Meeting Notice and Planning staff also 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 also 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.

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

Antony Candeloro, the applicant, provided their opinion 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 Franklyn closed the public meeting.

The Committee had no further comments or questions.

Moved by: Jim Uram

Seconded by: Jim Oliver

AND THAT the Committee of Adjustment GRANT Minor Variance Application A05-2022, for the properties legally described as Grey Vacant Land Condominium Plan 110, Level 1, Unit 94 , in order to permit an increase in maximum building height for a single detached dwelling unit, subject to the following conditions:

1) That the site development be constructed in a manner substantially in accordance with the applicant's proposed building elevations attached as Attachment #1;

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 years from the date of decision, should a building permit not be issued by the Town within two years, the variance shall expire on January 19, 2024.

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

C.5 Application No. A06-2022

Owners: Centennial Construction and Contracting (Niagara) Inc.

Applicant/Agent: Antony Candeloro

Legal Description: Units 101, 97, 95, 87, 94, 93, 99, Grey Vacant Condominium Plan 110.

Municipal Address: 103 Sebastian Street

Vice Chair Franklyn read aloud the Public Meeting Notice and Planning staff also 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 also 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.

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

Antony Candeloro, the applicant, provided their opinion 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 Franklyn closed the public meeting.

The Committee had no further comments or questions.

Moved by: Jim Oliver

Seconded by: Jim Uram

AND THAT the Committee of Adjustment GRANT Minor Variance Application A06-2022, for the properties legally described as Grey Vacant Land Condominium Plan 110, Level 1, Unit 93 , in order to permit an increase in maximum building height for a single detached dwelling unit, subject to the following conditions:

1) That the site development be constructed in a manner substantially in accordance with the applicant's proposed building elevations attached as Attachment #1;

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 years from the date of decision, should a building permit not be issued by the Town within two years, the variance shall expire on January 19, 2024.

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

C.6 Application No. A07-2022

Owners: Penny's Motel Inc.

Applicant/Agent:

Legal Description: Town Plot of Thornbury, Part Lot 10 and Part Lot 11, Southwest of King Street.

Municipal Address: 141 King Street East

Vice Chair Franklyn read aloud the Public Meeting Notice and Planning staff also 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 also 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.

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

John Belknap, the applicant, advised that the pergola and cooking area needed to be covered in order to make better use of the space and protect against inclement weather.

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

Councillor Uram noted that there were Community Design Guidelines and asked if those were reviewed as part of the staff report recommendations, and noted that the proposal was in conformity with those guidelines. Natalya Garrod, Planner I, advised that the Community Design Guidelines were not reviewed as part of the staff report and recommendations for the application.

Vice Chair Franklyn noted that on review of the property that the site sketch indicated that there was a new or existing pergola, and requested clarification on if a different structure was being proposed. Natalya advised that an existing pergola had been built and that the applicant would like to install a roof on the pergola. Natalya advised that because of the requested roof installation the structure would be considered an accessory structure. Vice Chair Franklyn asked for confirmation of whether the dimensions would be changing, and Natalya confirmed the dimensions would not be changing on the structure.

Moved by: Jim Uram

Seconded by: Bill Remus

THAT Committee of Adjustment adopt Staff Report PDS.22.022, entitled "Recommendation Report – Minor Variance A07-2022 Penny's Motel) – 141 King Street East"

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

Moved by: Jim Oliver
Seconded by: Jim Uram

AND THAT Committee of Adjustment GRANT Minor Variance Application No. A07-2022 for the property legally described as Town Plot Part Lot 10, Part Lot 11 King W/S as described below;

1. The Committee of Adjustment GRANT relief from Accessory Buildings, Structures and Uses provision of 4.3 d) of Zoning By-law 2018-65 to permit the construction of two accessory buildings to be closer to the front lot line than the main building. Subject to the following conditions:

- a. That the site development be constructed in a manner substantially in accordance with the site sketch attached as Attachment #1;
- b. 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, should a building permit not been issued by the Town within two years, the variance shall expire on January 19, 2024.

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

C.7 Application No. A08-2022

Owners: Leggett/Perrault
Applicant/Agent: Gary Scullion
Legal Description: PLAN 16M53 LOT 65
Municipal Address: 103 Pheasant Run

Vice Chair Franklyn read aloud the Public Meeting Notice and Planning staff also 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 also 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. Vice Chair Franklyn noted that the Staff Report dealing with the Public Engagement section required an update to reflect that the application was subject to the public meeting.

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

Sam Hinnawi, the applicant's authorized agent, provided their opinion in support of the staff report. Sam advised that the applicants were requesting a minor

variance to build the accessory structure closer to the front lot line given the irregular lot shape. Gary Scullion, the applicants agent, advised he had reached out to Grey Sauble Conservation Authority Director of Planning in November 2021 who had indicated that no Tree Preservation Plan was in effect and therefore no conditions were associated with the property and tree preservation.

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

Jim Oliver noted that the lot was fully treed and asked whether conformity with the Town Tree By-Law was required, and asked if there was a requirement to replace trees. Natalya Garrod, Planner I advised that the Plan of Subdivision was approved by the Grey Sauble Conservation Authority. Natalya advised that an Environmental Impact Assessment had been completed and it was determined no significant impacts would occur as a result of the proposed structures. Natalya noted that the site was heavily treed and that the Plan of Subdivision Development Agreement contained Tree Preservation. Once the applicant submits for a building permit their drawings would go for review by the development and engineering staff. Jim noted that a condition could be attached to the motion relating to receiving positive comments from the Grey Sauble Conservation Authority. Jim asked how long ago the Plan of Subdivision was created and comments received from the Grey Sauble Conservation Authority. Natalya advised that the application was part of Trails Wood Phase 3 Plan of Subdivision with an amending agreement signed in 2018.

Vice Chair Franklyn noted that there appeared to be two building elements on the bottom right of the site sketch and asked which of the two structures the Committee was being asked to consider. Natalya advised that the subject application was a minor variance for construction of accessory building to the south, closer to the front line on the 10th Line. Natalya advised that the proposed building was 7.5 metres from the lot line, and the main building was 13 metres from the lot line. Natalya noted that the building on the site sketch located on the north east side was a proposed pool and that the provision of the Zoning By-Law did not apply to the pool. Vice Chair Franklyn noted that the site sketch could indicate where the direction of North was to assist in orienting viewers to where the structure on a property was located.

Moved by: Jim Oliver
Seconded by: Jim Uram

THAT Committee of Adjustment adopt Staff Report PDS.22.023, entitled
“Recommendation Report – Minor Variance A08-2022 (Leggett/Perrault) – 103
Pheasant Run”, as amended.

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

Moved by: Jim Uram
Seconded by: Jim Oliver

AND THAT Committee of Adjustment GRANT Minor Variance A08-2022 subject
to the following conditions:

1. That the development be constructed in a manner substantially in
accordance with the site sketch attached; and
2. 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. If a building permit has not been issued by the Town
within two years, the variance shall expire on January 19, 2024.
3. That the decision is subject to receiving confirmation from the Grey
Sable Conservation Authority that they have no objection to the Minor
Variance Application.

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

C.8 Application No. A10-2022

Owners: McQueen
Applicant/Agent: W. Bradley Abbott
Legal Description: PLAN 395 PT LOT 23.
Municipal Address: 168 Bay Street East

Vice Chair Franklyn read aloud the Public Meeting Notice and Planning staff also
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 also 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.

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

Brad Abbott, the applicant's authorized agent, provided their opinion in support of the application and provided an overview of the site sketches.

Vice Chair Franklyn asked which part of the building raises the issue relating to the setback from the high water mark. Mr. Abbott noted they were instructed by the Grey Sauble Conservation Authority to take the most restrictive line, which caused an indent and pushes the line abnormally further into the lot. Mr. Abbott advised that the porch was a ground floor patio and that the Grey Sauble Conservation Authority had been advised that it would not be used as a habitable space, which satisfied them.

Jim Oliver asked if Mr. Abbott could share with the Committee the nature of protective work required by the Grey Sauble Conservation Authority permit. Mr. Abbott advised that no shore line work was required as there were no wave uprush concerns. Keith McQueen, the applicant, advised that the property was in a sheltered area on the water.

Debbie Hollingsworth, 170 Bay Street, advised that her property and the subject property were unique in that they were setback from one another with a natural barrier between the two properties consisting of large trees. Ms. Hollingsworth noted she had provided an Arborist Report to staff and that the concern was that the white cedar tree barrier would need to be protected during the proposed construction. Vice Chair Franklyn noted that an Arborist Report had been received by the Committee. Ms. Hollingsworth advised that the proposal also included a third floor with a large dormer facing her property which could cause light pollution and stairs would face her property as well. Vice Chair Franklyn asked on whose property the trees were located and Ms. Hollingsworth advised that the trees were located on her side of the property with some hedges on the subject property, and noted her request that work would be done to preserve those trees.

Keith McQueen, the applicant, noted he had met with his neighbours and discussed their concerns related to tree preservation. Mr. McQueen noted that he was sensitive to the tree preservation issue and the light pollution concern, and noted that a significant part of the proposed design elements had been to reduce impacts on the privacy of neighbours. Mr. McQueen noted that he was unsure if the treed hedge was located entirely on the neighbouring property but that options were being looked at to reduce the stress on trees during construction. Travis Sandberg, Planner II, advised that the Arborist Report received by the Hollingsworth's provided a protection lane of 1.3 metres, and noted that presuming the trees were all located at 172 Bay Street that the trees would be 1.3 metres setback from the property. Travis noted that the staircase facing the property may be the only item in the contested zone. Mr. Abbott

noted that the 1.3 metres protection lane would leave 2 feet to manage construction which would be unrealistic.

Vice-Chair Franklyn asked if the Committee could require an adherence to the recommendations in the Arborists Report regarding setbacks, and Travis advised that the Committee could choose to add as a condition if they so desired.

Councillor Uram noted that the number of conditions the Committee could apply must relate to municipal laws and that the Committee would need to be careful in its application of conditions which could be outside the Committees' abilities to require. Mr. McQueen advised that he was concerned that he would be obligated by such a motion to ensure the ultimate health of the trees where there could be other issues that would impact the health of those trees. Mr. Abbott asked whether remediation and replacement work would be sufficient in the event trees were impacted. Ms. Hollingsworth noted that the white cedar trees were 40 feet high and not replaceable.

Vice Chair Franklyn thanked all speakers for their comments and participation.

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

Jim asked if the Grey Sauble Conservation Authority permit had been issued for the building footprint and if part of the application required protective work on the shoreline. Travis Sandberg, Planner II, advised that the Grey Sauble Conservation Authority Development Permit was issued based on the site plan and that whenever there was a reduction in set-back the Grey Sauble Conservation Authority required shoreline works to ensure protections are in place. Travis advised that this would have been reviewed by Grey Sauble Conservation Authority staff as part of the permit process. Vice Chair Franklyn noted that the staff report referred to a 2.5 storey structure, and that elsewhere in the report it referred to the Zoning By-Law permitting a maximum height of 9.5 metres or a 2 storey building. Vice Chair Franklyn noted that the elevation in the sketches appeared to show a 3 storey building. Vice Chair Franklyn asked what the applicable details were for the application. Travis advised that the property is permitted to have 9.5 metres and 2.5 storeys, and that a .5 (half) storey was defined based on it not exceeding more than 2/3 (two thirds) of the square footage of the floor beneath it. The proposed structure meets the height requirement however with the inclusion of the dormers on the roof it exceeded the height and a minor variance application was therefore required. Vice Chair Franklyn asked if the elevation would be facing the lake, and Travis advised it would be facing Bay Street. Vice Chair Franklyn asked if the issue was the sloped roof line facing Bay Street and the peak on the dormer on the slope, which Travis confirmed as the height was measured based off the height of the dormers.

Moved by: Jim Oliver
Seconded by: Jim Uram

THAT the Committee of Adjustment adopt Staff Report PDS.22.020, entitled
“Recommendation Report – Minor Variance A10-2022 (McQueen) – 168 Bay
Street East”

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

Moved by: Jim Oliver
Seconded by: Jim Uram

AND THAT the Committee of Adjustment GRANT Minor Variance A10-2022 to
permit the construction of a single detached dwelling on the subject lands
subject to the following conditions:

1. That the development be constructed in a manner substantially in
accordance with the submitted site sketch and the elevations
attached;
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. If a building permit has not been
issued by the Town within two years, the variance shall expire on
January 19, 2024.
3. That consideration be given to recommendations contained in an
Arborist Report dated January 18, 2022 and presented to the
Committee relative to tree preservation.

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

C.9 Application No. A11-2022

Owners: Windfall GP Inc.

Applicant/Agent:

Legal Description: PLAN 16M-86 LOT 45

Municipal Address: Windfall Phase 5

The Committee took a break from 3:31 to 3:36 p.m. Secretary Treasurer Kyra Dunlop took Committee Member attendance and confirmed all members were present.

Vice Chair Franklyn read aloud the Public Meeting Notice and Planning staff also 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 also 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. Vice Chair Franklyn noted that the description of the subject property should refer to A11-2022 as opposed to A11-2021 and that the public engagement section should be corrected to reflect that the application is subject to a public meeting.

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

Colin Travis, the applicant's authorized agent, provided their opinion in support of the application. Mr. Travis noted that the last page of the staff report shows the curvature of the property and where the dwelling would be located.

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

Vice Chair Franklyn asked if the variance would permit 4.8 metre front and side-yard setback whereas a 6 metre setback was required. Natalya Garrod, Planner I, confirmed that a 4.8 metre setback had been requested and noted that the structure was a rectangular dwelling on a curved lot line. Natalya noted that the dwelling maintains 6 metres on the lateral side until the corner of the porch encroaches on the setback.

Moved by: Jim Uram
Seconded by: Jim Oliver

THAT Committee of Adjustment adopt Staff Report PDS.22.024, entitled
“Recommendation Report – Minor Variance A11-2022 (Windfall GP Inc.) – Lot
45, Plan 16M-86”

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

Moved by: Jim Oliver
Seconded by: Bill Remus

AND THAT Committee of Adjustment GRANT Minor Variance A11-2022 subject
to the following conditions:

1. That the development be constructed in a manner substantially in
accordance with the site sketch attached; and
2. 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. If a building permit has not been issued by the
Town within two years, the variance shall expire on January 19,
2024.

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

C.10 Application No. A12-2022

Owners: Piccinin/Downie
Applicant/Agent:
Legal Description: PLAN 950 LOT 4
Municipal Address: 478 Scenic Caves

Vice Chair Franklyn read aloud the Public Meeting Notice and Planning staff also 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 also 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. It was discussed that there was an error in the report that the Nottawasaga Valley Conservation Authority should have been referenced and not the Niagara Escarpment Commission.

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

Krystin Rennie, the applicant's authorized agent, provided their opinion in support of the application. Mr. Rennie provided an overview of her presentation and noted that the property was unique regarding the topographical challenges and the proposed location of the shed.

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

Vice Chair Franklyn noted that it appeared that the existing structure on the property was on a steeply sloped lot, and that the proposed structure was requested to be closer to the front yard lot line. Travis Sandberg, Planner II noted that was correct and advised that the applicant was seeking to construct a storage shed, and that due to the slope of the property the shed could not be located any further down on the property. Vice Chair Franklyn referenced page seven of the staff report and asked what architectural features would be added. Travis noted that staff had discussed with the applicant's agent the purpose of the Zoning By-Law requiring the proposed structure to be in the rear and side yard in order that the accessory structure would not impact the streetscape.

Councillor Uram asked if the shed would conform with the decision the Committee was considering in terms of the size and location, and noted that at the present stage of review the architectural design did not need to be considered. Mr. Rennie confirmed that the building would conform and Travis noted that the application related to the location of the building and not to the relief of features.

Moved by: Jim Oliver

Seconded by: Jim Uram

THAT the Committee of Adjustment adopt Staff Report PDS.22.019, entitled "Recommendation Report – Minor Variance A12-2022 (Piccinin and Downie) – 478 Scenic Caves Road"

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

Moved by: Jim Oliver
Seconded by: Jim Uram

AND THAT the Committee of Adjustment GRANT Minor Variance A12-2022, to permit a detached accessory structure (storage shed) to be located closer to the front lot line than the main building, subject to the following conditions:

1. That the development be constructed in a manner substantially in accordance with the submitted site sketch; 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. If a building permit has not been issued by the Town within two years, the variance shall expire on January 19, 2024.

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

C.11 Application No. A34-2021

Owners: Montesano

Applicant/Agent: Derrick Andreychuk

Legal Description: Collingwood Concession 2, South Part Lot 19, Reference Plan 16R-10263, Part 9.

Municipal Address: 119 Happy Valley Road

Vice Chair Franklyn read aloud the Public Meeting Notice and Planning staff also 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 also 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.

Travis Sandberg, Planner II, noted that in the Notice the size of the dwelling referred to 627 metres, which was gross floor area, and noted that the footprint was approximately half of that size as reflected in the staff report. Vice Chair Franklyn asked if that affected the maximum lot coverage as presented, which Travis confirmed.

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

Derrick Andreychuk, the applicant's authorized agent, provided their opinion 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 Franklyn closed the public meeting.

Jim Oliver asked what the accessory structure was which would be located near to the front lot line. Travis advised the structure would be a retaining wall, and that the request pertains to an extension of the existing retaining wall on the easterly side. Vice Chair Franklyn referenced page one of the staff report relating to septic concerns and asked whether that would be dealt with as part of the Building Permit process. Travis advised that there was an existing septic system on site and that the Building Department had raised concerns at the time the application was first circulated relating to the distance between septic bed and the tanks, and that it was required that the Ontario Building Code was complied with. Travis noted that the Building Department had not provided comments to staff prior to the meeting.

Moved by: Bill Remus

Seconded by: Jim Uram

THAT the Committee of Adjustment adopt Staff Report PDS.22.021, entitled "Recommendation Report – Minor Variance A34-2021 (Montesano) – 119 Happy Valley Road"

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

Moved by: Jim Oliver
Seconded by: Jim Uram

AND THAT the Committee of Adjustment GRANT Minor Variance A34-2021, to permit a maximum lot coverage of 32.9% for a single detached dwelling unit, and to permit an “accessory structure” (retaining wall) to be located closer to the front lot line than the main building, subject to the following conditions:

1. That confirmation of no concerns or objections are received from the Town of The Blue Mountains Building Services Division with respect to the on-site private septic system, prior to the issuance of a Building Permit;
2. That the development be constructed in a manner substantially in accordance with the submitted site sketch; 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. If a building permit has not been issued by the Town within two years, the variance shall expire on January 19, 2024

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

C.12 Application No. A13-2022

Owners: Pencak

Applicant/Agent:

Legal Description: PLAN 723 LOT 25 W PT LOT 26

Municipal Address: 161 Cameron Street

Vice Chair Franklyn read aloud the Public Meeting Notice and Planning staff also 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 also 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.

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

Kristine Loft, the applicant's authorized agent, provided their opinion in support of the application. Ms. Loft provided an overview of her presentation including the site location, proposal, Shoreline Hazard Study and Architectural Elevation.

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

Jim Oliver noted relating to the existing setbacks that on page two of the staff report it was indicated that there was a setback of 7 metres, and that the end of the report referenced a future dwelling to be located in an area with increased setbacks. Jim asked if the new building would be further back than the existing building. Travis advised that the setback distances as identified in the staff report were taken from the 177.9 elevation distance, and there was a meander of the contour on the property. Travis advised that the site plan showed the existing dwelling and that the proposed structure would be in the same location as the current structure and that the setback differed slightly where the exact distance was measured. Vice Chair Franklyn noted that the proposed building was a slightly larger structure but maintained setbacks except in one area. Travis noted that staff were recommending a condition in the Committee's recommendation that ensured the variance would be subject to a Grey Sauble Conservation Authority permit.

Councillor Uram asked how the cantilever deck would be attached and if drawings would be included. Travis advised that staff had not included a recommendation regarding the cantilever deck. Marco Pencak, the applicant, advised that he had consulted with Tatham Engineering regarding the water uprush and that the proposed structure would be built to prevent water coming that far up. Councillor Uram noted that the cantilever was a design feature and not a technical feature, which clarified the issue.

Jim asked how much bigger the proposed structure was compared to the existing structure. Ms. Loft advised the proposed house is larger but there is a substantial home on the property currently. Vice Chair Franklyn noted that the lot coverage would still be less than 50% of what was permitted and that it appeared that the existing features on the property, including the location of the pool, required the proposed building to be located where it was.

Moved by: Jim Uram

Seconded by: Jim Oliver

THAT the Committee of Adjustment adopt Staff Report PDS.22.018, entitled "Recommendation Report – Minor Variance A13-2022 (Pencak) – 161 Cameron Street"

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

Moved by: Jim Oliver
Seconded by: Jim Uram

AND THAT the Committee of Adjustment GRANT Minor Variance A13-2022, to permit a minimum setback of 5.4m from the 177.9 metre G.S.C. elevation, subject to the following conditions:

1. That the Owner obtain a Development Permit from the Grey Sauble Conservation Authority, prior to the issuance of a Building Permit;
2. That the development be construction in a manner substantially in accordance with the submitted site sketch; 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 form the date of decision. If a building permit has not been issued by the Town within two years, the variance shall expire on January 19, 2024.

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

D. Consent Applications

D.1 Application No. B01-2022

Owners: Nodwell/Saladino

Applicant/Agent:

Legal Description: Plan 950, Lot 35

Municipal Address: 495941 Grey Road 2

Vice Chair Franklyn read aloud the Public Meeting Notice and Planning staff also 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 also 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.

Vice Chair Franklyn 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 Franklyn closed the public meeting.

Travis Sandberg, Planner II, noted that the application requested to split the property into two and to demolish the existing dwelling unit which would encroach on the future property line. Travis noted that a certificate could be issued provided a demolition permit was submitted to the Town and submitted 2 years following the certificate for the registration to occur. Travis noted that the applicant received preliminary comments from Grey County and it was noted they would need to get exemption from the County regarding the road as it pertains to residential entrances. Jim Oliver asked if Town staff could advise regarding the minimum lot size to be serviced by private sewer. Travis advised that they rely on the minimum lot size within the Zoning By-Law and that beyond that staff would look to the Building Department. Travis noted it was dependent on design and style being proposed and that the subject application was within the acceptable lot size.

Moved by: Bill Remus

Seconded by: Jim Oliver

THAT the Committee of Adjustment adopt Staff Report PDS.22.025, entitled "Recommendation Report – Severance B01-2022 (Nodwell/Saladino) – 495491 Grey Road 2"

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

Moved by: Jim Uram
Seconded by: Jim Oliver

AND THAT the Committee of Adjustment GRANT provisional consent to application B01-2022, subject to the following conditions:

1. That the Applicant meets all the requirements of the Town, financial and otherwise, for the Certificate of Consent to be issued.
2. That the Applicant provide payment of cash-in-lieu of applicable parkland dedication and Development Charges for the new residential lot, as required by the Town.
3. That the existing dwelling unit and all accessory structures/buildings are demolished or removed from the property prior to registration, to the satisfaction of the Town of The Blue Mountains.
4. That the applicant demonstrate that the severed lands can be adequately serviced by private on-site sanitary and water services.
5. That the applicant demonstrate compliance with the Minimum Distance Separation Formulae.
6. That the applicant provide written confirmation from the County of Grey that an entrance permit can be obtained for the severed lands.
7. That the Owner provides a description of the land and deposited reference plan, which can be registered in the Land Registry Office.
8. 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.

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

E. Sign Variances

F. New and Unfinished Business

F.1 Previous Minutes

Moved by: Bill Remus
Seconded by: Jim Uram

THAT the Minutes of December 15, 2021 be approved as circulated, including any revisions to be made.

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)

F.2 Business Arising from Previous Minutes

None

G. Notice of Meeting Date

February 16, 2022

Town Hall, Council Chambers (virtual)

H. Committee Member Expenses

I. Adjournment

Moved by: Jim Uram

Seconded by: Jim Oliver

THAT the Committee of Adjustment does now adjourn at 5:10 p.m. to meet again at the call of the Chair.

Yay (4): Bill Remus, Peter Franklyn, Jim Uram, and Jim Oliver

Absent (1): Robert Waind

The motion is Carried (4 to 0, 1 absent)