



Minutes

The Blue Mountains, Committee of Adjustment

Date: September 21, 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: Robert Waind, Bill Remus, Peter Franklyn, Jim Oliver

Members Absent Jim Uram

Staff Present: Intermediate Planner Travis Sandberg, Senior Policy Planner Shawn Postma, Executive Assistant to Committees of Council Carrie Fairley

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 Waind called the meeting to order at 1:00 p.m. with all members in attendance except Jim Uram who sent his regrets.

Town staff present were Intermediate Planner Travis Sandberg, Senior Policy Planner Shawn Postma and Executive Assistant to Committees of Council Carrie Fairley.

A.3 Approval of Agenda

Moved by: Jim Oliver

Seconded by: Peter Franklyn

THAT the Agenda of September 21, 2022 be approved as circulated, including any additions to the agenda.

Yay (4): Bill Remus, Peter Franklyn, Jim Oliver, Robert Waind

Absent (1): Jim Uram

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.

C. Minor Variance Applications

C.1 Application No. A45-2022

Owner: McGuire

Applicant/Agent: Delta C Projects Inc. (Derek Crawford)

Municipal Address: 496864 Grey Rd. 2

Legal Description: Concession 9 South Part Lot 30

Chair Waind 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.

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

Jim Oliver noted that part of the relief being requested from the applicant was with respect to the new proposed accessory building which was to be closer than the principle residence, but that the drawings showed the accessory building was further away from the road than the principle residence. Intermediate Planner Travis Sandberg noted that the applicant has requested a reduced front yard setback. Travis noted that in this rural zone the main dwelling unit was required to maintain a setback of 15 metres and the accessory building was required to maintain the same setback. Travis noted that the applicant was requesting relief that the accessory structure to be located closer to the front lot line than permitted.

Chair Waind noted that the Town Zoning By-law 2018-65 recognized the location of the building and accessory building as legal non-complying and that the new accessory building proposed would be further back but requires a minor variance. Travis noted that the existing building could be replaced and that if the applicant was requesting to construct a new building it would be considered as a new minor variance application. Jim Oliver noted that the new shed does need to be replaced as the existing structure was falling down.

Moved by: Jim Oliver

Seconded by: Peter Franklyn

THAT the Committee of Adjustment receive Staff Report PDS.22.117, entitled "Recommendation Report – Minor Variance A45-2022 – 496864 Grey Road 2 (McGuire)".

Yay (4): Bill Remus, Peter Franklyn, Jim Oliver, Robert Waind

Absent (1): Jim Uram

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

Moved by: Bill Remus

Seconded by: Jim Oliver

THAT the Committee of Adjustment GRANT Minor Variance A45-2022 for the property municipally known as 496864 Grey Road 2 to permit the construction of an accessory building a minimum of 4.44 metres from the front lot line, 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 September 21, 2024.

Yay (4): Bill Remus, Peter Franklyn, Jim Oliver, Robert Waing

Absent (1): Jim Uram

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

C.2 Application No. A47-2022

Owner: Valenti

Applicant/Agent:

Municipal Address: 192 Alta Road

Legal Description: Plan 1127 Lot 31

Chair Waing 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.

Jim Oliver noted that the distance from the pool enclosure to the back of the property was 600 feet and noted he could not determine if the pool would threaten the natural area. Jim noted that the dimension provided on the site plan was 18 metres and that based on the zoning and land use designation whether the pool would encroach into the watercourse. Jim noted that without the dimension of the pool or shed it was difficult to determine if the structures would encroach and that per the Niagara Escarpment Commission that no structures were allowed due to the sloping.

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

Due to technical difficulties the Secretary Treasurer provided a summary of Mr. Valenti's comments on his behalf. Mr. Valenti, the applicant, provided their opinion in support of the application. Mr. Valenti noted that the pool would be located closer to the home than what was shown in the diagram, that the accessory buildings would be accommodated within the 14 metre setback and that it will be located within the manicured area of the sketches. Mr. Valenti

noted than no grading changes would occur and no vegetation including trees would be removed.

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: Peter Franklyn

Seconded by: Jim Oliver

THAT the Committee of Adjustment receive Staff Report PDS.22.119, entitled "Recommendation Report – Minor Variance A47-2022 – 192 Alta Road (Johnson)".

Yay (4): Bill Remus, Peter Franklyn, Jim Oliver, Robert Waind

Absent (1): Jim Uram

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

Moved by: Bill Remus

Seconded by: Peter Franklyn

AND THAT the Committee of Adjustment GRANT Minor Variance Application A47-2022 for the property municipally known as 192 Alta Road, in order to permit a private swimming pool, associated deck, and equipment building, to be located within a *Hazard* zone, subject to the following conditions:

1. That a minimum rear yard setback of 14.5m is maintained for the proposed accessory pool equipment shed and associated pool deck;
2. That positive comments be received from the Grey Sauble Conservation Authority with respect to impacts on identified Significant Woodlands and Area of Natural Scientific Interest;
3. That the applicant obtains a Development Permit from the Grey Sauble Conservation Authority prior to any site alterations;
4. Subject to Condition Number 1 above, that the site development be constructed in a manner substantially in accordance with the submitted site sketch; and
5. 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 not be issued by the Town within two years, the variance shall expire on September 21, 2024.

Yay (4): Bill Remus, Peter Franklyn, Jim Oliver, Robert Waind

Absent (1): Jim Uram

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

D. Consent Applications

None

E. Sign Variances

None

F. New and Unfinished Business

F.1 Previous Minutes

Moved by: Jim Oliver

Seconded by: Peter Franklyn

THAT the Minutes of August 17, 2022 be approved as circulated, including any revisions to be made.

Yay (4): Bill Remus, Peter Franklyn, Jim Oliver, Robert Waind

Absent (1): Jim Uram

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

F.2 Business Arising from Previous Minutes

Jim Oliver noted that members had been provided a copy of staff reports pertaining to the Committee of Adjustment that would be considered at the September 27, 2022 Committee of the Whole and one coming forward to the October 12, 2022 Committee of Adjustment meeting.

The Secretary Treasurer provided an overview of opportunities for members of the public to provide comments, correspondence or depositions in regards to staff reports to be heard at the Committee of the Whole. Chair Waind noted that the staff report regarding the Committee of Adjustment meeting times included a recommendation that the start time continue at 1:00 p.m. The Secretary Treasurer noted that the recommendation for the staff report would be discussed at the Committee of the Whole meeting on September 27, 2022.

Chair Waind noted that with respect to the staff report regarding sign variance and consent applications, that there were some typos that should be corrected. The Secretary Treasurer noted that comments on the report could be sent to the Town Clerk as author of the report. Jim Oliver noted that he did not understand why the members would provide comments on the format or content.

G. Notice of Meeting Date

October 12, 2022

Town Hall, Council Chambers and Virtual

and

November 16, 2022

Town Hall, Council Chambers and Virtual

H. Committee Member Expenses

- Peter Franklyn
- Jim Oliver
- Bill Remus
- Chair Waind

I. Adjournment

Moved by: Jim Oliver

Seconded by: Peter Franklyn

THAT the Committee of Adjustment does now adjourn at 1:50 p.m. to meet again on October 12, 2022 or at the call of the Chair.

Yay (4): Bill Remus, Peter Franklyn, Jim Oliver, Robert Waind

Absent (1): Jim Uram

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