



Minutes

The Blue Mountains, Committee of Adjustment

Date: February 15, 2023
Time: 1:00 p.m.
Location: Town Hall, Council Chambers and Virtual Meeting
32 Mill Street, Thornbury, ON
Prepared by: Kyra Dunlop, Secretary/Treasurer

Members Present: Greg Aspin, Michael Martin, Jim Oliver, Robert Waing
Staff Present: Planner Nicole Schroder and Planner Carter Triana

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 Waing called the meeting to order with all members in attendance.

Town staff in attendance were Planner Nicole Schroder and Planner Carter Triana.

A.3 Approval of Agenda

Moved by: Michael Martin

Seconded by: Jim Oliver

THAT the Agenda of February 15, 2023 be approved as circulated, including any additions to the agenda.

Yay (4): Greg Aspin, Michael Martin, Jim Oliver, and Chair Waing

The motion is Carried (4 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 2022-71, and the Town Procedural By-law 2022-76, 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.

Chair Waind advised that he had a pecuniary interest at Item B.4 Minor Variance Application No. A07-2022 as he had for the past 2 years a seasonal maintenance contract with the applicants.

A.5 Previous Minutes

Moved by: Jim Oliver

Seconded by: Michael Martin

THAT the Minutes of January 18, 2023 be approved as circulated, including any revisions to be made.

Yay (4): Greg Aspin, Michael Martin, Jim Oliver, and Chair Waind

The motion is Carried (4 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. A08-2023

Owner: Timlock

Applicant/Agent: Timlock

Municipal Address: 496258 Grey Road 2

Legal Description: Concession 9 South Part Lot 20

Note: This application was deferred from the December 21, 2022 Committee of Adjustment meeting.

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

Committee of Adjustment

Secretary/Treasurer also provided a summary of all written comments received as a result of the Public Notice.

Chair Waind asked if any members of the Committee had questions of staff before the public portion of the meeting was opened. Jim Oliver called a Point of Order at 1:10 p.m. and asked if staff was to be able to go through the staff report first per the Town Clerk's comments at the January 18, 2023 meeting regarding the protocol of the meetings. Chair Waind confirmed that was his intention also.

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.

David Timlock, the applicant, provided their opinion in support of the application. David noted that he and his spouse had bought the property in 2006 and that he had had experience with other properties in the Town, specifically with rescuing the Thornbury Riverwalk property. David noted he had fallen in love with the area and that when he had acquired the subject property in 2006 the farm fields had been unusable, and that since 2007 he had been working with his neighbour to restore the fields to productive farmland. David noted that they had installed a well and run underground electrical power to service the barn and proposed home, as well as completed grading and stormwater management considerations, such as a trench and tiling. David noted they were working with the Grey Sauble Conservation Authority and that he intended to make the subject property his primary residence. David noted that they were one of the few properties with a bush area and that there were lots of small animals and deer that make that area of the property their habitat, and that they do not intend to change that portion of the land.

Mackenzie Meek, the applicant's authorized agent, provided their opinion in support of the application.

Jim Oliver noted that he was disappointed to see the removal of the existing farmhouse given that an existing business was run out of the barn and asked if the business would be able to continue if the tenant wished to continue. David noted that the tenant's business is as a sole proprietor and that his present schedule may be more difficult if he must commute from his new home to the subject property.

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.

Chair Waind noted that MDS would only kick in if the new development occurred and that the new dwelling would not have adverse impacts on MDS, noting that this proposed variance was a change of use only and that it met all the requirements of the Official Plan. Jim noted that the staff report indicated that MDS had been met and that this issue would be addressed during the Building Permit stage.

Grey Aspin asked how the Committee could grant the variance when no Building Permit had been requested from the applicant. Chair Waind advised that the issuance of the Building Permit was contingent on granting the Minor Variance and that the issue was with respect to the accessory building, its location and whether it complied with the farm cluster policies per the Grey County Official Plan. Planner Carter Triana noted that in order to receive a Building Permit for the new building the applicants required a variance to be granted first, and that no change of use was being proposed, but rather a new use would be established with the new primary dwelling.

Michael Martin asked if the County farm cluster policies were still in effect, and Carter confirmed they were.

In discussing the motion, Jim Oliver called a Point of Order at 1:44 p.m. and asked the Secretary Treasurer if a member moved a motion if they were required to vote in the affirmative for that motion. The Secretary Treasurer advised that voting in favour or against a motion was not dependent on whether that member moved or seconded a motion.

Moved by: Michael Martin

Seconded by: Jim Oliver

THAT the Committee of Adjustment receive Staff Report PDS.23.023, entitled "Recommendation Report – Minor Variance A55-2022 – 496258 Grey Road 2 (Timlock)".

Yay (3): Michael Martin, Jim Oliver, and Chair Waind

Nay (1): Greg Aspin

The motion is Carried (3 to 1)

Moved by: Jim Oliver

Seconded by: Michael Martin

THAT the Committee of Adjustment GRANT the application for minor variance to permit an accessory apartment to be located 440 metres from the primary dwelling, subject to the following conditions:

1. That the site development be constructed in a manner substantially in accordance with the submitted site plan; and
2. That this variance to the Zoning By-law is for the purpose of obtaining a building permit and is only valid for a period of two (2) years from the date of decision. Should a building permit not be issued by the Town within two years, the variance shall expire on February 15, 2025; and
3. That the existing primary dwelling (farmhouse) be demolished or decommissioned, to the satisfaction of the Town; and
4. That a floodplain study be undertaken and submitted, to the satisfaction of Grey Sauble Conservation Authority.

Yay (4): Greg Aspin, Michael Martin, Jim Oliver, and Chair Waind

The motion is Carried (4 to 0)

B.2 Minor Variance Application No. A04-2023

Owner: Hitchman/Petrie

Applicant/Agent: Cynthia Gibson, Hicks Design Studio Inc.

Municipal Address: 13 Alice Street East

Legal Description: TOWN PLOT PARK PT LOT 4 ALICE W/S

Note: This application was deferred from the January 18, 2023 Committee of Adjustment meeting.

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.

Dina Ghaly, the applicant's authorized agent, provided their opinion in support of the application and provided an overview of her presentation.

Chair Waind noted that the Committee was frequently faced with requests for increases to permitted lot coverages in the Zoning By-law and that the design of this home was unique. Chair Waind asked if the same amenities for the proposed home could be obtained with a re-design to a 2.5 storey building to reduce the lot coverage. Dina noted that a re-design could be contemplated but that the design proposed was based on the needs of the family. Greg Aspin asked if there were any sources used for the lot coverage other than the survey. Dina advised that an Ontario Land Surveyor provided their survey to the applicant, which was included in the application sent to the Town. Jim Oliver asked why a solid wall was required on both sides of the outdoor area, and Dina advised it was for privacy purposes but that the wall could be opened on one side where the barbecue and fireplace were to be located. Planner Nicole Schroder advised that the members needed to consider the application as received.

Paul Wright, resident, noted that the calculations for the front porch were incorrect and that size of the lot indicated on the survey were incorrect, and noted that he had not seen a certified survey. Paul noted that there were concerns with the height of the sidewall being too high and that the proposed variance would have an adverse impact to all the neighbouring properties. Chair Waind noted that the Town relies on the documents provided by the applicant to the Town.

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.

Chair Waind noted that the build lot coverage was set at a maximum of 30% and that covered but unenclosed porches were at the crux of the issue as to whether they were considered part of the building. Planner Nicole Schroder noted that lot coverage is considered from an aerial view so that if the porch did not have a roof it would have been a different outcome for the lot coverage.

Jim Oliver asked if the footprint of the building conformed with the lot coverage permitted and Nicole advised that excluding the rear porch that the footprint was otherwise 30% coverage as permitted.

Moved by: Michael Martin

Seconded by: Jim Oliver

THAT the Committee of Adjustment receive Staff Report PDS.23.010, entitled "Recommendation Report – Minor Variance A04-2023 – 13 Alice Street East (Hitchman and Petrie)".

Yay (4): Greg Aspin, Michael Martin, Jim Oliver, and Chair Waind

The motion is Carried (4 to 0)

Moved by: Michael Martin

Seconded by: Jim Oliver

AND THAT, the Committee of Adjustment REFUSE the request for minor variance to Section 6.2.1 Residential Zone Standards of Zoning By-law 2018-65 to the maximum lot coverage of 36.8%; for the property legally described as 13 Alice Street East.

Yay (4): Greg Aspin, Michael Martin, Jim Oliver, and Chair Waind

The motion is Carried (4 to 0)

B.3 Minor Variance Application No. A06-2023

Owner: Rivers

Applicant/Agent: Rivers

Municipal Address: 119 St. Moritz Crescent

Legal Description: Plan 822 Lot 50

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.

Doreen Rivers, the applicant, provided their opinion in support of the application. Doreen noted that she had purchased the property 11 years ago and plans to retire to the property soon and use it as her primary residence. Doreen noted that the property does not have a garage currently which will be needed in the future and that to have an accessory apartment would be useful on the property for visiting kids and grandkids, and that they may make it a legal second apartment in the future to be able to rent out. Doreen advised she had spoken with neighbours about the proposal who advised they have no issues with the proposal.

Chair Waind asked if the accessory buildings had a different height requirement and Doreen advised they were not planning on building the apartment right away. The Committee and staff discussed height requirements for accessory apartments and detached garages.

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.

Chair Waind noted that the proposal worked well with the strange lot configuration and that the subdivision had been built out well.

Jim commended staff and the applicant for their work on the proposal in a proactive way and that this application was easy to support knowing it would solve problems around the current housing shortage in the future.

Moved by: Jim Oliver

Seconded by: Michael Martin

THAT the Committee of Adjustment receive Staff Report PDS.23.021, entitled "Recommendation Report – Minor Variance A06-2023 – 119 St. Moritz Crescent (Rivers)".

Yay (4): Greg Aspin, Michael Martin, Jim Oliver, and Chair Waind

The motion is Carried (4 to 0)

Moved by: Michael Martin

Seconded by: Jim Oliver

AND THAT the Committee of Adjustment GRANT minor variances to permit a detached garage with a height of 5.9 metres and to permit an accessory apartment with a height of 5.9 metres and a rear yard setback of 7.41 metres, subject to the following conditions:

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

2. That this variance to the Zoning By-law is for the purpose of obtaining a building permit and is only valid for a period of two (2) years from the date of decision. Should a building permit not be issued by the Town within two years, the variance shall expire on February 15, 2025.

Yay (4): Greg Aspin, Michael Martin, Jim Oliver, and Chair Waind

The motion is Carried (4 to 0)

B.4 Minor Variance Application No. A07-2023

Owner: Merwin

Applicant/Agent: Merwin

Municipal Address: 118 Alpine Crescent

Legal Description: Plan 807 Lot 92

Robert Waind declared a conflict on this item. (Has had for the past 2 years a seasonal maintenance contract with the applicants). Chair Waind vacated the Chair at 3:00 p.m. and Vice Chair Martin chaired the portion of the meeting.

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

Constance Merwin, the applicant, provided their opinion in support of the application. Jim Oliver asked if the long term goal was to have the accessory unit on the garage be an accessory residential unit in the upper storey as more than just storage and if not, would the application meet the requirements of doing so based on this application if that happens in the future. Constance noted that they were not looking to build a dwelling on top of the garage as they found out they would need to install a second septic system which they do not otherwise need. Constance noted that the trees along the property were very mature trees and that she had spoken with her neighbours about the proposal and they were supportive of the application. Constance noted that the proposed spot for the garage would not interfere with the existing septic system which wrapped around the back of the property and that the garage would not be visible from the road.

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

Jim asked if staff were considering technology other than traditional septic and tile beds as more accessory buildings are built as part of their staff reports in the future, and

Nicole noted that as new technology comes up staff will review its impacts and applications.

Moved by: Jim Oliver

Seconded by: Greg Aspin

THAT the Committee of Adjustment receive Staff Report PDS.23.013, entitled “Recommendation Report – Minor Variance A07-2023 – 118 Alpine Crescent (Merwin)”.

Yay (3): Greg Aspin, Michael Martin, and Jim Oliver

Conflict (1): Chair Waind

The motion is Carried (3 to 0)

Moved by: Greg Aspin

Seconded by: Jim Oliver

AND THAT, the Committee of Adjustment GRANT the minor variance application A07-2023 to permit a detached garage to be constructed closer to the front lot line than the main building and to be constructed at a height of 5.36 metres, subject to the following conditions:

1. That the site development be constructed in a manner substantially in accordance with the submitted site plan; and
2. That this variance to the Zoning By-law is for the purpose of obtaining a building permit and is only valid for a period of two (2) years from the date of decision. Should a building permit not be issued by the Town within two years, the variance shall expire on February 15, 2025.

Yay (3): Greg Aspin, Michael Martin, and Jim Oliver

Conflict (1): Chair Waind

The motion is Carried (3 to 0)

C. Other Business

Chair Waind returned at 3:16 p.m. and resumed the Chair.

C.1 Council Resolution Re Waiver of Procedural By-law 2022-71 as it relates to Electronic Participation

Note: Council passed the following resolution at the January 23, 2023 Council Meeting:

THAT Council of the Town of The Blue Mountains waives the provisions of the Committee of Adjustment Procedural By-law 2022-71 to allow the virtual attendance of Committee of Adjustment Members, and be counted in quorum, until July 21, 2023.

Greg Aspin noted that he had received an email from the Ontario Association of Committee of Adjustment and Consent Authorities (OACA) about training modules being available and asked if staff could look into providing access to that training. The Secretary Treasurer confirmed they would look into the training access and update the Committee members.

D. Committee Member Expenses

E. Notice of Meeting Date

March 15, 2023

Town Hall, Council Chambers and Virtual

April 19, 2023

Town Hall, Council Chambers and Virtual

F. Adjournment

Moved by: Michael Martin

Seconded by: Jim Oliver

THAT the Committee of Adjustment does now adjourn at 3:26 p.m. to meet again at the call of the Chair.

Yay (4): Greg Aspin, Michael Martin, Jim Oliver, and Chair Waingand

The motion is Carried (4 to 0)