



# Minutes

## The Blue Mountains, Committee of Adjustment

**Date:** March 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 Waind

**Staff Present:** Manager of Community Planning, Planner Nicole Schroder

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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 Waind called the meeting to order at 1:05 p.m. with all members present.

#### A.3 Approval of Agenda

Moved by: Michael Martin

Seconded by: Jim Oliver

THAT the Agenda of March 15, 2023 be approved as circulated, including any additions to the agenda, being Item C.1. Appointment of Members to Court of Revision.

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

**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.

Member Michael Martin declared a conflict with Item B.1. Minor Variance Application Number A09-2023 as he had a contract with the applicant's architect.

**A.5 Previous Minutes**

Moved by: Jim Oliver

Seconded by: Michael Martin

THAT the Minutes of February 15, 2023 be approved as circulated, including any revisions to be made.

Yay (4): Greg Aspin, Michael Martin, Jim Oliver, and Robert 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. A09-2023**

Owner: Dowling

Applicant/Agent: Larry Swalm

Municipal Address: 397257 11th Line

Legal Description: CON 11 PT LOT 35 RP 16R3996 PART 5

Member Michael Martin declared a conflict with Item B.1. Minor Variance Application Number A09-2023 as he had a contract with the applicant's architect and left Council Chambers.

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.

Larry Swalm, the applicant's authorized agent, provided their opinion in support of the application. Larry noted that the latest site plan was not the version attached to the Notice of Hearing, and Planner Nicole Schroder confirmed that the most recent version of the site plan submitted following the posting of the original Notice had been circulated to the Committee Members for their information.

Member Jim Oliver asked if there was opportunity in the future for a second apartment within the garage, given its size. Michael Dowling, the applicant, noted that the house was a 3 bedroom with no basement and was a slab on grade and therefore they were short on storage. Michael noted that the garage was needed fully for storage.

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: Jim Oliver

Seconded by: Greg Aspin

THAT the Committee of Adjustment receive Staff Report PDS.23.025, entitled "Recommendation Report – Minor Variance A09-2023 – 397257 11<sup>th</sup> Line (Dowling)".

Yay (3): Greg Aspin, Jim Oliver, and Robert Waind

Conflict (1): Michael Martin

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

Moved by: Jim Oliver

Seconded by: Greg Aspin

THAT the Committee of Adjustment GRANT the minor variance application A09-2023 to permit a detached garage to be constructed 12m closer to the front lot line than the main building, or 62m from the front lot line and to be constructed at a height of 6.45 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 March 15, 2025.

Yay (3): Greg Aspin, Jim Oliver, and Robert Waind

Conflict (1): Michael Martin

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

**B.2 Minor Variance Application No. A10-2023**

Owner: CV Farmco Ltd.

Applicant/Agent: Kristine Loft, Loft Planning Inc.

Municipal Address: 415814 10th Line

Legal Description: Concession 11 North Part Lot 12

Michael Martin rejoined the meeting at 1:25 p.m.

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.

Kristine Loft, the applicant's authorized agent, provided their opinion in support of the application. Kristine provided an overview of her presentation to the Committee.

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.

Jim noted that the staff report made mention that the subject lands had not been used for agriculture in the past, and asked how that determination could be made, as the aerial photos showed a cleared area on the land. Planner Nicole Schroder noted that she was unsure of the timeframe as to when a land was considered not being used for agriculture. Chair Waind noted that the agent for the applicant may be able to answer how the lands had been historically used. Kristine Loft noted that the front area of the subject lands that were cleared had not been cultivated in some time but that the owners were farmers.

Michael noted that as the owners will own both the properties why they were severing the lots. Kristine noted that the land is conveyable and in the future it could be sold. Chair Waind noted that when the previous application had come forward regarding the severance some residents were concerned that this would open a whole myriad of severances, and staff had advised that there could be only a few severances within the municipality, so it was certainly not something the Town would be forced to deal with.

Moved by: Michael Martin  
Seconded by: Jim Oliver

THAT the Committee of Adjustment receive Staff Report PDS.23.026, entitled  
“Recommendation Report – Minor Variance A10-2023 – 415814 10<sup>th</sup> Line (CV Farmco  
Ltd.)”

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

**The motion is Carried (4 to 0)**

Moved by: Michael Martin  
Seconded by: Greg Aspin

THAT the Committee of Adjustment GRANT a minor variance for a reduced minimum lot  
area of 1.0 hectare and a reduced minimum lot frontage of 90 metres to satisfy a  
condition of the provisional consent granted for consent file B10-2022.

Yay (3): Greg Aspin, Michael Martin, and Robert Waind

Nay (1): Jim Oliver

**The motion is Carried (3 to 1)**

## **C. Other Business**

### **C.1 Appointment of Members to Court of Revision**

Chair Waind noted that he had had conversations with staff about whether the  
Committee of Adjustment members would be willing to be appointed as the Court of  
Revision members to deal with provisions made under the Drainage Act. Manager of  
Planning Shawn Postman noted that the Court of Revision would meet to deal with  
appeals made regarding drainage courses in lot 7, 8 and 9 in Craighleith which was being  
handled by 3 developers, and that affected individuals could choose to appeal the relief  
provided. Greg Aspin asked how often the Court of Revision would be expected to meet  
and Chair Waind noted that this was a one-off request, and that the Court of Revision  
met extremely infrequently.

Secretary Treasurer Kyra Dunlop confirmed that members would be sent the materials  
for the Court of Revision, which was expected to take place on April 11, 2023 with  
training to take place in the morning and the meeting itself to start in the afternoon.  
Chair Waind thanked the members for volunteering to sit as the Court of Revision.

Moved by: Jim Oliver  
Seconded by: Michael Martin

THAT Michael Martin, Jim Oliver and Robert Waind be appointed to the Court of Revision (Drainage Act);

AND THAT Greg Aspin be appointed as an alternate member on the Court of Revision (Drainage Act).

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

**The motion is Carried (4 to 0)**

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

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

April 19, 2023  
Town Hall, Council Chambers and Virtual

May 17, 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 2:00 p.m. to meet again at the call of the Chair.

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

**The motion is Carried (4 to 0)**