



# Minutes

## The Blue Mountains, Special Committee of Adjustment

**Date:** March 15, 2023  
**Time:** 12:00 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 Planning Shawn Postma, 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

The Chair called the meeting to order at 12:00 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.

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.

None

#### **B. Committee of Adjustment Member Orientation**

Staff provided an overview of the Committee of Adjustment Member Orientation presentation:

- Overview of Secretary Treasurer Support to the Committee
- Applicable Corporate Policies to the Committee Members
- Overview of Procedural By-law 2022-71
- Planning Act
- Key Dates and Meeting Policies
- Meeting Flow

Jim Oliver asked if a vote to abstain was the same as being absent. Secretary Treasurer Kyra Dunlop confirmed that if a member chose to abstain from voting they would be marked as voting in the negative. Jim asked if the Committee of Adjustment Procedural Bylaw deals with the possibility of more than 50% of members at a meeting attending virtually. Kyra noted that there was no clause in the Committee of Adjustment Procedural Bylaw that limits the number of meetings members may attend virtually.

Jim asked what technical criteria staff used to determine if an application is minor in nature per the 4 tests under the Planning Act. Planner Nicole Schroder noted that to determine if a variance is minor in nature, it can be subjective and is site-by-site. Chair Waind noted that there was a lot of case law around this such as the notable DeGasperis case, and that it came down to the perception of individual members of the Committee as to whether there would be an adverse impact of the proposed variance to the community. Manager of Planning Shawn Postman noted that staff looked at the proposal and that reviewing the cumulative impact of variances was important. Shawn noted that planning staff did review and consider case law when reviewing minor variance applications. Chair Waind noted that often members of the public attend meetings and may not like the application itself such as that a building is being proposed or the height of the building, even if it is a permitted height. Chair Waind noted that in some cases individuals may come forward to object the entirety of the application and

noted that the Committee only considers the variances being requested, not the entire application itself. Jim asked if municipalities decide for themselves the total lot coverages permitted. Shawn noted that each municipality did define its own lot coverages and that there was no prescription for this under the Planning Act. Shawn noted that if the Town started to see more applications requesting relief for lot coverages that staff may need to review the Zoning Bylaw regarding this section, and that there are a lot of unique lots in the Town that warrant consideration for variances, for example corner lots which may make situating buildings on them within the allowable setbacks difficult.

Michael Martin noted that when Council grants a Consent Application with conditions, and one of those conditions was subject to Committee of Adjustment approval, what would the Committee do in such a situation. Shawn noted that Council considers policies and decides on the lot itself, and that if as part of a Consent Application a request for relief for minor variances was determined, the Committee would be expected to consider the granting of the minor variances alone. Shawn noted that if the Committee found that supporting the minor variance request was not possible, then that would mean the conditions of granting the Consent would not be fulfilled. Chair Waind noted that it would be unlikely the Committee would not approve the variance request, but it may be a situation where the Committee does not feel the variances are minor in nature, and Council could choose to appeal the decision or the applicant could bring a full Zoning Bylaw Amendment application.

Jim asked if the Chair has the right to limit length of comments. Kyra noted that whereas the Council Procedural Bylaw does have time limits relating to deputations and public comments the Committee of Adjustment Procedural Bylaw does not. Chair Waind noted he did not want people to leave the meetings feeling like they were shorted in providing their comments to the members. Shawn noted that the duration of comments was really at the Chair's discretion in terms of determining when someone had had sufficient time to provide comments. Jim noted that he would support the imposition of a time limit on the comments if needed. The members discussed the Procedural Bylaw and the need for the person Chairing the committee to ensure comments were orderly.

Jim asked if the Procedural Bylaw made comment about the deferral of applications in terms of the length of time they could be deferred. Kyra noted that the Procedural Bylaw stipulated that deferred applications are to have a set date to come back before the Committee in the motion that defers the item.

Chair Waind thanked staff for the presentation and thanked the Committee Members for their attendance at the special meeting.

### **C. Notice of Meeting Date**

March 15, 2023 (1:00 p.m.)

Town Hall, Council Chambers and Virtual

April 19, 2023 (1:00 p.m.)

Town Hall, Council Chambers and Virtual

### **D. Adjournment**

Moved by: Jim Oliver

Seconded by: Michael Martin

THAT the Committee of Adjustment does now adjourn at 12:54 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)**