



Minutes

The Blue Mountains, Committee of Adjustment

Date: September 20, 2023
Time: 1:00 p.m.
Location: Town Hall, Council Chambers and Virtual Meeting
32 Mill Street, Thornbury ON
Prepared by: Carrie Fairley, Secretary-Treasurer

Members Present: Greg Aspin, Michael Martin, Jim Oliver, Duncan McKinlay, and Robert Waind

Staff Present: Planner Nicole Schroder and Chief Building Official Tim Murawsky

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 1:00 p.m. with all members present.

A.3 Approval of Agenda

Moved by: Michael Martin

Seconded by: Jim Oliver

THAT the Agenda of September 20, 2023, be approved as circulated, including any revisions.

Yay (5): Greg Aspin, Michael Martin, Jim Oliver, Duncan McKinlay and Robert Waind

The motion is Carried (5 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.

A.5 Previous Minutes

Moved by: Michael Martin

Seconded by: Jim Oliver

THAT the Minutes of August 16, 2023, be approved as circulated, including any revisions to be made.

Yay (5): Greg Aspin, Michael Martin, Jim Oliver, Duncan McKinlay, and Robert Waind

The motion is Carried (5 to 0)

A.6 Business Arising from Previous Minutes

Follow-up direction provided by Council regarding Committee of Adjustment Compensation (verbal)

The Secretary-Treasurer provided an update regarding Council’s decision to review the compensation of the committee members through the upcoming budget process.

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. A34-2023

Owner: AC Capital Rentals Inc.

Applicant/Agent: Adam Smith

Municipal Address: 629369 Grey Road 119

Legal Description: Concession 4 South Part Lot 16

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 spoke regarding the comments around Minimum Distance Separation and noted that there is not any livestock to be incorporated with the application and that he is unaware of any livestock in the area that is close to the farm parcel. Chair Waind spoke questioning how to determine whether there is a need for Minimum Distance Separation if there is no application for animal husbandry on this property and nothing on the adjacent farms. Planner Nicole noted that she will follow-up with the Grey Sauble Conservation Authority.

Chair Waind noted that the Staff Report does not speak to servicing. Chair Waind further noted the new dwelling is being erected two hundred feet from the existing dwelling and questioned if there will be a new well and septic system will be added or if the existing well and septic will be pumped an additional 200 feet to the new dwelling. Chief Building Official Tim Murawsky spoke about the Minimum Distance Separation will apply and be looked after with the building department when the application for a new dwelling is received. Tim noted the Minimum Distance Separation calculations are based on the location of the new dwelling to the location of the existing livestock or manure facility, to regulate where the new dwelling will go. Tim further noted it will not regulate the existing building that is being converted to an accessory apartment. Tim further noted that with regard to the septic system, the building department would look to ensure the septic system is capable of serving the new dwelling when the building permit is issued, for the new dwelling. Tim further noted his understanding is the existing building, which will be the accessory apartment, is too far away to be connected to the existing systems. Tim noted that the use is being changed under zoning from the main building to an accessory apartment.

The Committee further discussed the merits of the application.

Adam Smith, the property owner spoke providing information on the application. Adam confirmed that the new dwelling will have a new septic and that a new well will be added if the current one is not sufficient. Adam further confirmed his intention is not to remove any trees and in fact he will likely plant more.

Member Oliver questioned if the secondary residence will be occupied. Adam confirmed that it will be occupied by family or friends and will not be left unused.

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 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: Michael Martin

THAT the Committee of Adjustment receive Staff Report PDS.23.098, entitled "Recommendation Report – Minor Variance Application A34-2023 – 629369 Grey Road 119 (AC Capital Rentals Inc.);)

Yay (5): Greg Aspin, Michael Martin, Jim Oliver, Duncan McKinlay, and Robert Waind

The motion is Carried (5 to 0)

Moved by: Duncan McKinlay

Seconded by: Michael Martin

AND THAT the Committee of Adjustment GRANT minor variance A34-2023 to permit the construction of a new main dwelling 65 metres from an existing dwelling, which will become an accessory apartment upon construction of the new 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 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 September 20, 2025.

Yay (5): Greg Aspin, Michael Martin, Jim Oliver, Duncan McKinlay, and Robert Waind
McKinlay

The motion is Carried (5 to 0)

B.2 Minor Variance Application No. A35-2023

Owner: William Tysiak

Applicant/Agent: Andrew Pascuzzo, Pascuzzo Planning Inc.

Municipal Address: 15 King Street West

Legal Description: Town Plot Part Lots 26 and 27 RP 16R1917 Part of Parts 1 and 2, S/S King Street

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 noted the second entrance is restrictive, with the existing dwelling and questioned if the building department would look at that ensuring the access will be sufficient for the new construction. Tim spoke noting an engineered site grading plan will be required and the building department will ensure there is adequate access for fire services, in accordance with the zoning by-law, as part of the final approval for the building permit and final approval for zoning.

Member McKinlay questioned if there will be access to the municipal parking lot through the back lot line. Planner Nicole spoke noting that her understanding will not happen, and she noted that it would not be permitted. Member McKinlay noted the snow that can accumulate in the winter and questioned if that would be considered in advance of the build. Tim spoke noting the point of the engineered site grading plan is to address storm water flows and prevent the water flowing onto other properties.

Member McKinlay spoke noting the concerns of the neighbours with the additional third unit being added and questioned if the changes regarding Bill 23 allows for leeway in the decision as it relates to her concerns. Planner Nicole noted that Bill 23 allows for up to three dwellings on a property, two of which should be within the main dwelling and the other being in a separate building. Nicole further noted that the provinces intent it to increase the number of dwellings and one way is by allowing accessory apartments.

The Committee further discussed Bill 23 and how it relates to this application with staff.

Andrew Pascuzzo, Planner and Agent for the Applicant, spoke in support of the application and provided an overview of the merits of the application. Andrew noted parking for this dwelling will be in accordance with the parking by-law. Andrew further nothing that there would be no access to the municipal parking lot.

Member Oliver spoke about the large trees that appear to be on the adjacent property and questioned if they are indeed on the neighbour's property, which Andrew confirmed to be correct.

Member Oliver asked Andrew about the height of the current dwelling. Andrew noted that he had not measured but estimates it to be 8.5 meters and 9 meters, both storeys.

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

Lotti Fulton, who resides at 32 King Street West spoke in support of the application.

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: Duncan McKinlay

Seconded by: Michael Martin

THAT the Committee of Adjustment receive Staff Report PDS.23.099, entitled "Recommendation Report – Minor Variance Application A35-2023 – 15 King Street West (Tysiak);

Yay (5): Greg Aspin, Michael Martin, Jim Oliver, Duncan McKinlay, and Robert Waind

The motion is Carried (5 to 0)

Moved by: Jim Oliver

Seconded by: Duncan McKinlay

AND THAT the Committee of Adjustment GRANT minor variance A35-2023 to permit the construction of an accessory apartment and garage with a height of 7.02m, located 1.2m from the rear and eastern interior side lot lines, and using a separate entrance than the main dwelling unit, 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 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 September 20, 2025.

Yay (5): Greg Aspin, Michael Martin, Jim Oliver, Duncan McKinlay, and Robert Waind

The motion is Carried (5 to 0)

B.3 Minor Variance Application No. A36-2023

Owner: Anne Martin

Applicant/Agent: Matthew VanAndel, Outdoor Reflections

Municipal Address: 188 Courtland Street

Legal Description: Lot 18, Plan 16M-8

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 spoke seeking clarification on the R-1-3-62 zone, whether it applies to the entire subdivision or just this lot. Planner Nicole noted it applies to the whole subdivision but noted there is a provision for when abutting to open spaces. Chair Waind noted that 38% lot coverage is accepted for this subdivision regardless of lack of accessory buildings. Planner Nicole noted that was correct.

Member Oliver spoke regarding the 38% lot coverage noting the rest of the municipality is 30% and questioned if there are other subdivisions that have the same considerations. Planner Nicole noted the intent of this subdivision and design aspects that allowed the exceptions. Nicole further noted that this is not typical. Chief Building Official Tim noted the Cottages and Lora Bay are allowed up to 40% lot coverage.

The Committee further discussed the merits of the application.

Matthew from Outdoor Reflections, the Agent for the Applicant spoke in support of the application. Matthew noted the current drainage patterns, and that the draining patterns will remain the same as previously approved by the Town.

Matthew provided more information on the merits of the applications.

The Committee discussed the proposed deck and whether there will be walls constructed, which Matthew confirmed there will not be.

The Committee further discussed the merits of the application and whether a deferral, as requested of the Applicant was appropriate.

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

Moved by: Michael Martin

Seconded by: Jim Oliver

THAT the Committee of Adjustment receive Staff Report PDS.23.100, entitled “Recommendation Report – Minor Variance Application A36-2023 – 188 Courtland Street (Martin);

Yay (5): Greg Aspin, Michael Martin, Jim Oliver, Duncan McKinlay, and Robert Waind

The motion is Carried (5 to 0)

Moved by: Duncan McKinlay

Seconded by: Michael Martin

THAT the Committee of Adjustment DEFER Minor Variance Application No. A36-2023 and this application return to the Committee of Adjustment meeting on October 18, 2023.

Yay (4): Greg Aspin, Michael Martin, Duncan McKinlay and Robert Waind

Nay (1): Jim Oliver

The motion is Carried (4 to 1)

B.4 Minor Variance Application No. A37-2023

Owner: Windfall GP Inc.

Applicant/Agent: Colin Travis, Travis Planning Consultants

Municipal Address: 156 Courtland Street

Legal Description: Lot 7, Plan 16M-8

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 discussed lot lines with Planner Nicole who provided a background as to where the front and rear lot lines are with respect to this application.

The Committee discussed the previously granted application and what is being requested in this application.

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

Moved by: Duncan McKinlay

Seconded by: Michael Martin

THAT the Committee of Adjustment receive Staff Report PDS.23.101, entitled "Recommendation Report – Minor Variance Application A37-2023 – 156 Courtland Street (Windfall GP Inc.);

Yay (5): Greg Aspin, Michael Martin, Jim Oliver, Duncan McKinlay, and Robert Waind

The motion is Carried (5 to 0)

Moved by: Jim Oliver

Seconded by: Duncan McKinlay

AND THAT the Committee of Adjustment GRANT Minor Variance A37-2023 to permit the construction of a new single detached dwelling unit with a covered porch located 3.0 metres from the rear lot line, 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 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 September 20, 2025.

Yay (5): Greg Aspin, Michael Martin, Jim Oliver, Duncan McKinlay, and Robert Waind

The motion is Carried (5 to 0)

C. Other Business

C.1 Update regarding Application A28-2023 (verbal)

Note: This application was deferred from the August 16, 2023, meeting

The Secretary-Treasurer provided an update on this application noting that the applicant amended their drawings, and it now complies with the zoning by-law and a minor variance is no longer required.

D. Committee Member Expenses

E. Notice of Meeting Date

October 18, 2023

Town Hall, Council Chambers and Virtual

November 15, 2023

Town Hall, Council Chambers and Virtual

F. Adjournment

Moved by: Duncan McKinlay

Seconded by: Michael Martin

THAT the Committee of Adjustment does now adjourn at (time) p.m. to meet again at the call of the Chair.

Yay (5): Greg Aspin, Michael Martin, Jim Oliver, Robert Waing, and Duncan McKinlay

The motion is Carried (5 to 0)