



# Minutes

## The Blue Mountains, Committee of Adjustment

**Date:** March 20, 2024  
**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:** Michael Martin, Jim Oliver, Robert Waind, Duncan McKinlay

**Staff Present:** Carter Triana, Intermediate Planner, Adam Smith, Director of Planning and Development, David Riley, Planner SGL Consultants, Sierra Horton, Planner, SGL Consultants

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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, who was present in Council Chambers called the meeting to order at 1:00 p.m. noting members Martin, and McKinlay, were also present in Council Chambers and member Oliver was present virtually.

#### A.3 Approval of Agenda

Chair Waind moved agenda item A.6.1. be heard after agenda item B.3.

Moved by: Michael Martin  
Seconded by: Duncan McKinlay

THAT the Agenda of March 20, 2024, be approved as circulated, including any additions to the agenda.

Yay (4): Michael Martin, Jim Oliver, Duncan McKinlay, 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 2024-04, and the Town Procedural By-law 2023-62, 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: Jim Oliver  
Seconded by: Michael Martin

THAT the Minutes of February 21, 2024, be approved as circulated, including any revisions to be made.

Yay (4): Michael Martin, Jim Oliver, Duncan McKinlay, and Robert Waind

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

**A.6 Business Arising from Previous Minutes**

**A.6.1 Adam Smith, Director of Planning and Development and Carter Triana, Planner, Re: Update on Delegated Authority**

Moved by: Duncan McKinlay  
Seconded by: Michael Martin

THAT the Committee of Adjustments would be pleased to accept the delegation from Council of the Town of The Blue Mountains to consider Consent Applications as part of the Committee of Adjustments role in the Town, in order to expediate matters on behalf of the Town.

Yay (4): Michael Martin, Jim Oliver, Duncan McKinlay, and Robert Waind

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

## **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. A11-2024**

Owner: Scott Gerard

Applicant/Agent: Sandra Boardman

Municipal Address: 55 King Street

Legal Description: Plan 1023 Lot 119

Chair Waind read aloud the Public Meeting Notice and the Secretary-Treasurer 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 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.

Member McKinlay questioned the use of the property and the requirement of parking and if this property is limited to one use only, or would it be eligible for a broad range of uses within the zoning by-law designation. Sierra, Planner with SGL Planning noted that currently the site is permitted to have a broad range of uses and the understanding is that the current building is only an office and garage space, so for the current use an increase in parking is not required. David Riley, Planner with SGL Planning noted that if there was a change in use proposed, and it had to meet a parking minimum requirement, it would trigger another potential variance application and would be reviewed at that time. Member McKinlay questioned if there was a mechanism in place where if there is inadequate parking, there would be the requirement to contribute to downtown parking fund. Chair noted that there did not seem to be any discussions regarding cash in-lieu for substandard parking requirements. Planner Carter noted that when an application is received for the Committee of Adjustment to request a reduction in parking that is seen as an alternative to providing that cash in-lieu and the Town would not ask for both. Carter further noted that the Town does not currently have a policy to set a standard for what that cash in-lieu payment per parking space is so it

would have to be reviewed on a site by site bases but there is no standard in place to easily tell an applicant the differences in the rate they would pay if they went with a minor variance or a cash in-lieu, which Carter noted is a larger discussion that would have to be with Council to be able to establish what that rate is because at this time, there is not policy to direct staff.

Chair Waind noted that there should not be an either-or option and Chair Waind noted that it is one thing to have permission to have less parking spaces, but it should come with some remuneration. Carter noted that currently, it is an either-or and there is a provision in the zoning by-law that allows for cash in-lieu payment, if an applicant can not satisfy the parking requirements and if that cash in-lieu is paid instead, there would not be a requirement for a minor variance to reduce the parking. Member McKinlay spoke question how this request is minor in nature when there is only approximately 60% of the required parking, for a current, low impact use. Chair Waind questioned what the parking requirements would be without the application. Carter noted that the parking requirements do not necessary apply to the existing use and what is being examined is the increase in parking that is required as a result of the expansion. Carter reiterated that if the use of the property changes, the owner would have to go through site plan control again, confirm parking and increase as required with the change in use and there would be additional review that would have to be undertaken if the use changes. David noted that if there is a change in use, it can not be legally considered as legal non-conforming use, it would be subject to a full application, whether zoning or minor variance. David further noted that part of the site plan control, part of the review is to make sure it complies with zoning.

Member Oliver noted the minor variance, if approved would be an improvement to the status quo today and questioned how many official parking spaces are currently identified on this property today. Carter noted that the Town does not have an approved site plan in place at this time because the use and building have existed for a while. Carter noted on the new site plan, you can clearly see all the parking spots but since the Town does not have on file right now that would show where the existing parking is but Carter noted is likely similar to how they are now, because the footprint of the building is not changing, the garage that is existing will remain, with four spaces within the garage. Member Oliver noted that currently the property does not appear to have any formally marked parking spaces and asked if this process would create official parking spaces, noting that if so, it would be an improvement. Member Oliver questioned if approval should be granted as part of the development, will the property owner be required to mark on the ground, in the usual fashion, where the identified parking spaces are located. Carter noted that will be discussed as part of the site plan application and this

application before the Committee is just looking for that reduction, but Carter noted it will be considered as part of the overall review in the site plan. Member Oliver noted the owner's large commercial trailer is always parked on the property and questioned if it is appropriate and will be allowed to occupy one or more of the parking spaces. Carter noted the applicant can provide more information regarding their intention for parking the commercial trailers. Member McKinlay questioned if four of the seven parking spaces are inside the building. Carter confirmed that four of the parking spaces are within the building.

Sandra Boardman, the Agent for the Applicant spoke regarding the existing parking noting that there are not currently any designated parking spaces and noted the extensive reviews with Town staff to arrive at the current layout. Sandra further noted that previously it was laid out to meet the eleven parking spaces, however, was considered an undesirable layout because vehicles were reversing directly out onto King Street, which is not safe nor possible with traffic management. Sandra noted that the owners have the intent on parking the trailers that are seen on site occasionally, to store them inside the garage, behind secured doors for security of the vehicles. Sandra further noted that given the nature of the owner's business, being a construction company, the larger flatbed trucks or vans will be out on construction sites during the day, which will free up the parking spots, to allow the administrative office to function.

The Committee further discussed the merits of the application including the orientation of the parking spaces and the space that has been identified as a vehicle manoeuvring area and the requirements of the applicant to provide vehicle manoeuvring specifications in the site plan as well as snow storage locations.

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.24.048, entitled "Recommendation Report – Minor Variance A11-2024 – 55 King Street (Gerard);"

Yay (4): Michael Martin, Jim Oliver, Duncan McKinlay, and Robert Waind

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

Moved by: Jim Oliver

Seconded by: Duncan McKinlay

AND THAT the Committee of Adjustment GRANT Application A11-2024 to permit the renovation of, and addition to, the existing legal non-conforming commercial building 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 permission 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 permission shall expire on March 20, 2026.

Yay (2): Jim Oliver, and Robert Waind

Nay (2): Michael Martin, and Duncan McKinlay

**The motion is Lost (2 to 2)**

Moved by: Duncan McKinlay

Seconded by: Michael Martin

AND THAT the Committee of Adjustment GRANTS permission to permit the expansion of the existing legal non-conforming building 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 permission 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 permission shall expire on March 20, 2026.

Yay (4): Michael Martin, Jim Oliver, Duncan McKinlay, and Robert Waind

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

Moved by: Jim Oliver

Seconded by: Duncan McKinlay

AND THAT The Committee of Adjustments GRANTS the request for reduction in designated parking spaces from 11 to 7 parking spaces 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 permission 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 permission shall expire on March 20, 2026.

Yay (3): Michael Martin, Jim Oliver, and Robert Waing

Nay (1): Duncan McKinlay

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

## **B.2 Minor Variance Application No. A12-2024**

Owner: Denise Swartz

Applicant/Agent: Jeffrey Swartz

Municipal Address: 116 Lakeshore Drive

Legal Description: Plan 533 Lot 24

Chair Waing read aloud the Public Meeting Notice and the Secretary-Treasurer 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 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 Waing noted that page four of the planning staff report states is the proposed desirable for development and use of the lands when it should read the eastern portion, not the western portion. Planner Sierra noted that error.

Member McKinlay questioned if the street trees needed to be removed, and questioned who's expense it would be if so. Planner Carter noted that the applicant can speak to that and any trees that are on municipal property, the owner would not be permitted to remove them without the approval of the Town.

Jeff Swartz, the agent for the owner spoke noting that the trees on the front line of the property are cedar hedges, no street trees. Jeff noted that he is also the architect for this project and does not want to destroy the trees as they provide privacy. Jeff further noted that he does not foresee needing to remove any trees.

Chair Waing 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.24.049, entitled “Recommendation Report – Minor Variance A12-2024 – 116 Lakeshore Drive (Swartz);”

Yay (4): Michael Martin, Jim Oliver, Duncan McKinlay, and Robert Waind

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

Moved by: Michael Martin

Seconded by: Jim Oliver

AND THAT the Committee of Adjustment GRANT Application A12-2024 to permit the construction of a second storey addition on the front western portion of the 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 permission 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 permission shall expire on March 20, 2026.

Yay (4): Michael Martin, Jim Oliver, Duncan McKinlay, and Robert Waind

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

### **B.3 Minor Variance Application No. A13-2024**

Owner: 1000444835 Ontario Inc.

Applicant/Agent: Krystin Rennie, Georgian Planning Solutions

Municipal Address: 7882778 Grey Road 13

Legal Description: Concession 11, Part Lot 29 RP 16R5053 Part 1

Chair Waind read aloud the Public Meeting Notice and the Secretary-Treasurer 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 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.



Member Oliver spoke noting the website for this business that highlights things like corporate team building, personal wellness etc., and questioned if those specific types of uses are categorized the same way that the youth leadership development use and therefore acceptable under private recreational use. Planner David noted that when interpreting the by-law all those uses would fall under the category of private recreational use on this property.

Chair Waind noted that there are separate provisions to establish a new use and generally there are not a lot of similar situations that will not be covered under a by-law.

Krystin Rennie, Georgian Plan Solutions, Agent of the Applicant spoke noting that she is available for any questions the Committee has.

Chair Waind noted that the staff report did not mention if the servicing components are adequate to meet the proposed expansion. Tim Murawsky, Chief Building Official spoke noting when the building permit application is received, which they currently have, they will look at the existing septic system and see if it requires upgrades and noted regarding the well, that is not under the jurisdiction of the Town. Tim noted that currently the Town does not have a report on the current septic system.

Member McKinlay spoke requesting information on the tests that shows it was an existing, private recreational use. Krystin noted that the current owners went to the previous owners retreat and that is how they knew it was there and when it was put up for sale, they were interested in taking over that use. Krystin noted the intention was to continue the retreat type use on the property. Member McKinlay questioned what the fine line is between private recreational verses institutional. Krystin noted that it is all about interpretation of the zoning by-law.

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.24.050, entitled "Recommendation Report – Minor Variance A13-2024 – 788277 Grey Road 13

(1000444835 Ontario Inc.);”

Yay (4): Michael Martin, Jim Oliver, Duncan McKinlay, and Robert Waind

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

Moved by: Duncan McKinlay

Seconded by: Michael Martin

AND THAT the Committee of Adjustment GRANT Application A13-2014 to recognize the existing legal nonconforming private recreational use on the property, which will allow interior renovations to an existing building to proceed, 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 permission 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 permission shall expire on March 20, 2024.

Yay (4): Michael Martin, Jim Oliver, Duncan McKinlay, and Robert Waind

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

### **C. Other Business**

Moved by: Duncan McKinlay

Seconded by: Jim Oliver

THAT the Committee of Adjustment send a letter to Mr. Aspin recognizing his contribution to this committee and thanking him for his service.

Yay (4): Michael Martin, Jim Oliver, Robert Waind, and Duncan McKinlay

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

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

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

April 17, 2024

Town Hall, Council Chambers, and Virtual

May 15, 2024

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 3:11 p.m. to meet again at the call of the Chair.

Yay (4): Michael Martin, Jim Oliver, Duncan McKinlay, and Robert Waind

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