



# Minutes

## The Blue Mountains, Committee of Adjustment

**Date:** May 15, 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:** Shawn Postma Manager of Planning, Carter Triana Intermediate Planner, Tim Murawsky, Chief Building Official, and David Riley, Planner with SGL Planning

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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 1:00 p.m. and Secretary-Treasurer, Carrie Fairley confirmed all members were present in Council Chambers save and except for Duncan McKinlay, who was absent.

Duncan McKinlay joined the meeting at 1:04 p.m.

### **A.3 Approval of Agenda**

Moved by: Jim Oliver

Seconded by: Michael Martin

THAT the Agenda of May 15, 2024, be approved as circulated, including any additions to the agenda.

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

Absent (1): Duncan McKinlay

**The motion is Carried (3 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: Michael Martin

Seconded by: Jim Oliver

THAT the Committee of Adjustment approve the Minutes of April 17, 2024, the Special Committee of Adjustment Minutes of April 23, 2024, and the Committee of Adjustment Closed Session Minutes of April 23, 2024, as circulated, including any revisions to be made.

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

Absent (1): Duncan McKinlay

**The motion is Carried (3 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. A19-2024**

Owner: Noel Neelands

Applicant/Agent: Krystin Rennie, Georgian Planning Solutions

Municipal Address: 138 Stone Zack Lane

Legal Description: Plan 16M6 Lot 33

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 what is interfering with the front corner of the lot. Planner David noted there is a bend in the road that is essentially making the road a cul-du-sac. Member McKinlay further questioned if the road turns from public to private which Planner David noted it is a public road.

The Committee discussed the lot lines referring to the site sketch provided in the staff report. Member Martin questioned if the red lines on the site sketch identify the lot line, including the driveway, which David noted was correct.

Member Oliver questioned the percentage of lot coverage for the development on this property, before the addition and the percentage of lot coverage once the addition is complete, if approved. David noted the existing lot coverage is 23.7% and the proposed lot coverage, including the addition, is 28.2% and further noted the allowable lot coverage is 30%, therefore this application is under the max.

Member McKinlay spoke regarding the landscaping of the property and David noted most of the front yard is and will be maintained as soft landscaping. Member McKinlay spoke regarding the trees on the property and if they will survive construction, or if they will be cleared. David noted the intent is to protect and maintain those trees. David further noted there is large, paved portion between the existing dwelling, where the addition is being proposed, that can accommodate construction vehicles.

Krystin Rennie, Georgian Planning Solutions, Agent for the Applicant provided information to the Committee regarding the landscaping and trees that may get

damaged during construction of the addition, noting there are a couple of trees that are close to where the addition is going to be. Krystin further noted that this property has been nicely landscaped, and the intent is to maintain as much as possible and if anything has to come out, the intent is to re-plant and establish the thick landscaping buffer. Krystin further noted the neighbouring property also has extensive and mature landscaping that will act as an additional buffer.

Member Oliver questioned the trees that Krystin was speaking about. Krystin provided more information to the Committee with an overview of the photos submitted on the subject property.

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.24.082, entitled “Recommendation Report – Minor Variance A19-2024 – 138 Stone Zack Lane (Neelands);”

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 a minor variance for A19-2024 subject to the following conditions.

1. That the development be constructed in a manner substantially in accordance with the submitted site plan; and
2. 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. This variance shall expire on May 15, 2026.

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

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

## **B.2 Minor Variance Application No. A06-2024**

Owner: Diana Donnelly

Applicant/Agent: Brad Abbott, Abbott Design

Municipal Address: 151 Wyandot Court

Legal Description: Plan 1063 Lot 5 Wyandot Court

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.

Chair Waind noted this Application was deferred from the April 17, 2024, Committee of Adjustment meeting and noted some of the issues the of the Application at the previous meeting. Chair Waind further noted that those issues, which most were raised by the public were not really of concern, because a Building Permit was issued for this property.

Member Oliver noted the revised staff report referenced the applicant planting larger shrubbery to provide more effective and quicker screening from the neighbours and street and questioned how the municipality ensures the commitment made by the applicant regarding the size and type of stock that is to be purchased and planted. Tim Murawsky, Chief Building Official noted regarding the landscaping, the Town of The Blue Mountains does not have a landscaping by-law or permit process regarding landscaping and noted when a building permit application is received, it can show tree planting but there are no enforcement tools for staff, to require planting of trees. Member Oliver sought the assistance of staff on how the Committee can attach a condition to the decision, to ensure the planting, with the materials noted, will be completed.

The Committee and staff discussed imposing an additional condition to the decision, to ensure the requirement of landscaping will be met and the implications if the applicant fails to comply with the decision of the Committee of Adjustment. Manager of Planning, Shawn Postma noted failure to comply would be a Zoning By-law issue.

Brad Abbott, Abbott Design, and Agent for the Applicant noted his client would be agreeable to any landscaping the Town requests and further noted his client is looking to plant mature trees and to substantially landscape the property. Brad further noted a landscape architect has been hired who will also define all the trees on the property. Member McKinlay questioned if the landscape plan was submitted as part of the site plan and Brad noted that it was not and that what was submitted was to satisfy the 42% requirement. Member Oliver suggested to Brad that it would be helpful if there were a

landscaping plan or a detailed site plan showing species, locations, caliper sizes etc., provided to staff to allow them to monitor the site, further noting it would provide reassurances to the Committee.

The Committee further discussed conditions to impose on the decision to address the landscaping for the subject property. Shawn noted that a condition could be added to require a planting plan, to the satisfaction of Town staff. Chair Waind noted his satisfaction with that idea.

Member Oliver referenced the Minutes from the previous meeting noting the discussion that took place regarding the surface of the driveway and the willingness to have an impervious, decorative stone. Member Oliver further referred to the Minutes noting the revised application did not contain an engineer's option regarding the ability to absorb water with the type of surface materials proposed for the driveway, and further noted at the previous meeting, the Agent had mentioned he would bring that report to the Committee. Member Oliver continued referring to the rendering photos provided and questioned if the photo showing the driveway has the type of decorative stone referred to, which Member Oliver noted appear to be individual stones, filled with sand, to hold in place, which would be the permeability component. Brad noted he has not received a professional engineer's opinion but there is a grading plan that ensures there is no runoff to neighbouring properties and noted if the 42% soft landscaping was achieved, and if Planning staff agreed, there is enough percolation from the hard to soft landscaping. Brad further noted following the previous meeting, he had discussions with the applicant regarding permeable pavers in the turning circle. Brad further noted the applicant was concerned about the maintenance of that type of driveway, with weeds growing between the stones and would rather not have that as a condition. Brad noted at 42% soft landscaping, that should address any runoff and further noted the hard landscaping has a drain for the runoff, as it flows down to the garage.

Chair Waind spoke regarding drainage noting the size of the lot. Tim noted a grading plan has been submitted for this lot and there is a subdivision grading plan for the whole subdivision, which shows the grading and fabric. Tim further noted the subject property is a large lot which allows for a lot of absorption into the entire property. Tim also noted that a lot of the surface water will be running to a drain at the front of the garage and from there will disburse to the soil or out through the sump pump. Tim spoke regarding the requirement for 50% landscaping, which is not defined in the zoning by-law but is found in Section 5, under parking and mainly applies to the parking area and the driveways. Tim noted sidewalks and patios are considered part of landscaping.

Member Oliver questioned the intended material for the driveway and what materials are considered "decorative stone" or if the intent was to use pressed concrete. Brad

noted the stones being used will be individual stones without weeds being able to grow between the stones. Brad noted there are different types of stones being used, including a decorative border and that the type of stone has not been determined yet. Brad requested the Committee allow for non-permeable materials to be used on the driveway and assured asphalt or concrete will not be used. Member Oliver questioned if staff is able to ensure the type of stonework in the turning circle, as noted by the Agent, is complete. David spoke noting the condition regarding the planting plan could be worded differently noting a landscape and planting plan, including the materials for the driveway. Chair Waind noted as long as it isn't concrete or asphalt, the Committee would be satisfied.

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.24.076, entitled "Recommendation Report – Minor Variance A06-2024 – 151 Wyandot Court (Donnelly)

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

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

Chair Waind noted the hard work put into this application and further noted the subject property is at the end of the street and the impact, if any is minimized, due to mostly only residents who live on that street, being on that street.

Member Oliver questioned if the motion needed to provide more information regarding the decorative stonework for the Driveway Plan. Tim noted the motion as provided was sufficient as the Applicant will be revising the grading plan and staff will review it for compliance with overall site grading, subdivision grading and the zoning. Tim further noted he will be receiving this plan and will ensure it is approved in accordance with the discussions today.

Moved by: Duncan McKinlay

Seconded by: Jim Oliver

AND THAT the Committee of Adjustment GRANT a minor variance for A06-2024 subject to the following conditions.

1. That the development be constructed in a manner substantially in accordance with the submitted site plan;
2. That the owner provides a Planting Plan and Driveway Plan describing the location, species, and caliper of plantings to occur in the front yard to the satisfaction of the Town; and
3. 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. This variance shall expire on May 15, 2026.

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

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

## **C. Other Business**

Chair Waind spoke regarding the discussion at the previous meeting with respect to additional residential units (ARU), in the Niagara Escarpment Plan (NEP) and sought clarification if it only applies to the development control area or a broad base approach where the Niagara Escarpment Commission is a commenting agency. Planner Carter noted the NEP is very clear that those policies apply throughout the area that is designated under the plan, which includes the area of development control but also all other areas designated under that plan. Carter noted the recent update Council approved regarding ARU's does include those policies, within the zoning by-law and have been incorporated. Carter further noted when there is a zoning by-law review, those policies will be reviewed to ensure compliance with the NEP policies. Carter spoke regarding the issues this creates in a large area of the Town, especially Craighleith and the Blue Mountain Resort Village area, and noted the limitations are that the location of ARU's is to be in the main dwelling. Carter noted the NEC is looking at potentially changing this, as part of their upcoming review of the Niagara Escarpment Plan. Carter noted there are no indications at this time of when that review will take place. Chair Waind noted it is overriding the provincial mandate and Carter noted that is the difficulty as both the changes to the Planning Act and the Niagara Escarpment Plan are provincial policies, but they apply in different context and mandated through different Acts, from the province.



## **D. Committee Member Expenses**

The Committee members provided their travel expenses to the subject properties, to the Secretary-Treasurer.

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

June 19, 2024

Town Hall, Council Chambers, and Virtual

July 17, 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 2:03 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)**