



Minutes

The Blue Mountains, Committee of Adjustment

Date: November 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, Jan Pratt

Staff Present: Manager of Planning Shawn Postma, Chief Building Official Tim Murawsky, Senior Planner Adam Farr and Planner Manuel Riveria

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 1:03 p.m. Secretary -Treasurer Carrie Fairley noted all members were present with Member Oliver attending virtually.

A.3 Approval of Agenda

Moved by: Jan Pratt

Seconded by: Duncan McKinlay

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

Yay (5): Michael Martin, Jim Oliver, Robert Waind, Duncan McKinlay, and Jan Pratt

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 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.

A.5 Previous Minutes

Moved by: Duncan McKinlay

Seconded by: Michael Martin

THAT the Minutes of October 16, 2024, be approved as circulated, including any revisions to be made.

Yay (5): Michael Martin, Jim Oliver, Robert Waind, Duncan McKinlay, and Jan Pratt

The motion is Carried (5 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. A38-2024

Owner: Devin Gordon

Applicant/Agent: Abbey Scott, First Step Building Consultants

Municipal Address: 61 Lansdowne Street North

Legal Description: Plan 533 Lot 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.

Chair Waind spoke regarding the request from the Saugeen Ojibway Nation (SON) to add a condition to the minor variance requiring the landowner to complete an archaeological assessment and noted the lot is existing and questioned if staff had further information. Manuel, Planner noted that the request was received late in the day the day before this meeting and that it is at the Committee's discretion if they want to include that condition.

Abbey Scott, Agent for the Applicant spoke noting the proposal is for the building of a shop, behind the house. Abbey noted the relief being sought is for the height of the building. Abbey spoke regarding the proposed condition from the SON noting they spoke with the manager for SON, Kone, who advised them that the SON will give that response to any property along the waterfront, as of now. Abbey noted that there is some vegetation along the road and the homeowner plans to replace what is being removed.

Chair Waind spoke noting there is a municipal road between this property and the water and development on the north side of the municipal road and noted that this property does not front the water. Abbey noted that was her confusion as well and why she reached out to SON. Chair Waind asked Abbey what the response from SON was. Abbey noted that SON advised that any Committee of Adjustment application circulated to SON that is within 300 metres of the water will receive the recommendation to complete an archaeological assessment. Member Pratt questioned what the study involves. Abbey noted that she has experienced this with other files and has received costs back from three archaeological engineers and the layout of what is required is a three-step process. Abbey further noted that studies of the soil is completed, digs, mapping and noted it is a huge process and a huge cost.

Member Oliver spoke noting that for this application the request for an archaeological assessment is unnecessary.

Member McKinlay asked Abbey to be more specific on the range of work and cost for a required archaeological assessment. Abbey noted that the prices to complete this assessment they have received are between \$4000 and \$15,000 and further noted that these studies are not done through the winter, and therefore it is a short timeline for these studies to be completed. Abbey further noted they take up to six months to complete. Member McKinlay questioned if there is a phase one of this process that is a desktop exercise that searches historical documents to establish if there is a need to go onto the next phases, or do you have to do the whole study. Abbey noted there is a phase one step where research is conducted on historical documents and a mapping tool is created for the property and if they identify anything in the desk top study, they move onto the dig. Abbey further noted they dig in different areas up to four feet below grade and if they further identify something the next phase is studies are completed on what was found. Abbey noted that if an application does not require relief from the Committee of Adjustment on any new builds, additions or garages then there is never the requirement from the SON, whereas if the project requires relief from the Committee of Adjustment, then this condition will be requested by SON.

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: Jan Pratt

Seconded by: Michael Martin

THAT the Committee of Adjustment receive Staff Report PDS.24.133, entitled "Recommendation Report – Minor Variance A38-2024 / P3456 – 61 Lansdowne Street North (Gordon);"

Yay (5): Michael Martin, Jim Oliver, Duncan McKinlay, Jan Pratt, and Robert Waind

The motion is Carried (5 to 0)

The Committee discussed whether to add in the recommendation from SON. Shawn Postma, Manager of Planning noted that the comments were received yesterday, and Staff immediately followed up with the SON regarding what is expected in terms of the archaeological assessment and if there was further information to share. Shawn noted that is a new approach from SON in terms of this requirement and should a variance,

zoning by-law amendment or any other planning approval not be required, this particular property owner would be permitted to apply for a building permit if they meet building code and zoning and all the other requirements. Shawn further noted that the condition could be added to staff's recommendation and generally speaking the Town supports agencies that provide us with conditions that would need to be fulfilled. Shawn further noted that Staff have not had the chance to conduct a full and complete analysis or have further discussions with SON to determine the benefit in completing that condition. Shawn noted there are other measures and protections in place that should certain artifacts or features be found during excavation work that work is to be stopped and the Ministry of Culture and other appropriate agencies be notified about what has been found and archaeological work can be completed at that time as well.

Chair Waind noted if it was approved as presented, SON would have the opportunity to object and would force the applicant to decide whether or not they wanted to modify the building application and reduce the height of the building, to meet the requirements and could move forward. Chair Waind further noted that this condition would be more appropriate for a green field site, and this site has been developed, has been in place for 40-50 years and noted it seems like a double standard considering you can obtain a building permit if the height was adjusted.

The Committee and Staff discussed having further discussions with SON to find out more information and see if there are adjustments that can be made to their requests.

Member Oliver noted that the Applicant's Agent indicated that in their conversations with the SON they indicated it would be a standard comment on every application within 300 metres of the water front. Member Oliver further noted this maybe a standard red flag the Committee receives on all these kinds of applications. Member Oliver noted this is already a highly disturbed part of the shoreline of Georgian Bay and reminded the Committee the lot is nearly 1000 square metres, and the footprint of this building will only represent 10% of the lot that will be disturbed to put footings in. Member Oliver noted this proposal will require a small excavation down three or four feet in order to have sound footing for a foundation on a garage that represents approximately 10% of the lot and less than 25% of the existing disturbed area total. Member Oliver noted these requests will have to be evaluated on an as received bases going forward.

Member Martin noted putting the extra cost of this assessment on the homeowner is unnecessary when there is no evidence that it is necessary or if there is any value to it.

The Committee further discussed the merits of the application.

Moved by: Jim Oliver

Seconded by: Michael Martin

AND THAT the Committee of Adjustment GRANT a minor variance for A38-2024 subject to the following conditions:

1. That the site development be constructed in a manner substantially in accordance with the submitted site plan;
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 within two years, the variance shall expire on November 20, 2026.

Yay (5): Michael Martin, Jim Oliver, Duncan McKinlay, Jan Pratt, and Robert Waind

The motion is Carried (5 to 0)

B.2 Minor Variance Application No. A39-2024

Owner: BMR GP Inc

Applicant/Agent: MHBC Planning

Municipal Address: Parts of Lots 6, 10, 15 and 15 and Part of Village Crescent

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 regarding Adam Farr, Senior Planner's comment regarding Staff's position that this application would be more appropriate for zoning by-law amendment and questioned how much more onerous it is for an applicant in this case, being a large commercial enterprise, and given the work they have completed for this minor variance application, how much more work would be entailed in to prepare a zoning by-law amendment application. Chair Waind noted that an application was received and has been deemed incomplete and further noted that this application appears to try to avoid going through the zoning by-law and Official Plan amendments. Adam corrected Chair Waind noting that the incomplete applications that have been received are for a different property, not the property subject to this application. Adam further noted the reason that staff are recommending this be dealt with through a zoning by-law amendment is because of the Official Plan issues that are provoked with this application,

the matters of the four tests that have been raised through the evaluation of this application, which are significant enough that it is Staff's opinion that it should not be dealt with through the Committee of Adjustment. Adam noted that a zoning by-law would be required as well as additional engagement with staff in advance of such an application. Adam further noted the application would then follow the normal course of public engagement and the provision of related supporting documents.

Member Oliver referred to the site plan and questioned if any of the footprint of the property is presently used for parking and if so, how many parking spaces. Adam noted that a portion of the property is used for parking and noted that no information was submitted with this application indicating the extent of the parking uses for the property. Adam further noted that staff will undertake an evaluation and that staff are aware of the Official Plan policy 3.10.9L which speaks to a requirement that where parking is going to be removed, the new development is required to assess whether or not that parking is required in the scope of a parking monitoring plan, which Adam noted is part of the Master Development Agreement and whether or not replacement parking should be provided to address the village needs.

Jamie Robinson, Partner and Planner with MHBC and Agent for the Applicant spoke to the zoning by-law and Official Plan amendment applications that were discussed by the Committee and noted they are not specific to site B, which is the subject of this application and noted those applications were specific to development on sites E and F. Jamie further noted that moving forward with sites E and F it would require opening the Master Development Agreement, an Official Plan and zoning amendment as well. Jamie further noted their opinion is the application before the Committee does meet the requirements and the intent of the Official Plan.

Jamie provided an overview of his presentation noting that although they are removing the parking spaces currently at the site, those parking spots will be moved to underground parking and therefore no parking is being lost. Jamie provided justification to the Committee regarding the relief being sought with this application.

Member McKinlay sought clarification regarding parking that will be lost with the configuration of the crescent and noted that the parking currently at the Village was created to address the requirements of some other phase of development. Member McKinlay questioned where those would be made up once they cease to exist. Jamie noted the parking identified as being displaced is currently on the site B property and that parking has been effectively used as day use parking for Blue Mountain Resort. Jamie further noted that the resort has been using the parking knowing full well that when this property is developed, that parking would cease to exist. Jamie noted his

understanding is that the resort has identified that they have sufficient parking from a day use perspective and confirmed they would lose these parking spaces but noted they are not the resort's parking to lose, they are the owner of site B's. Member McKinlay further noted that those parking spaces likely were considered for some other development of the village and wants to ensure there is not 15-20 spaces disappearing that are counted on as part of the spaces for some other phase of development. Jamie noted the existing businesses and resort do not rely on these specific spaces as part of their parking complement and calculated their own parking ratios using the land on their sites. Jamie further noted that the commercial parking spaces included as part of this development, underground, those spaces are for public access and although spaces are being lost outdoors, there is a gaining of spaces underground.

Member Pratt questioned how many spaces are in the lot and Jamie noted that he does not know the exact number. Member Pratt calculated the spaces to be roughly 80 spaces.

Member Oliver sought clarification on the number of parking spaces being proposed in this building and sought clarification on how many commercial/residential units. Member Oliver questioned if there are other site plans for other parts of the development for the Blue Mountain Village over the years that will have identified that as specific parking or is this informal parking in that area that has arisen over the last number of years. Jamie noted the formal site plans in place right now would be property specific and does not believe there is a site plan that applies currently to this site and therefore would be informal.

Shawn noted there is not a site plan agreement that exists right now for these particular lands. Shawn further noted that when previous phases of the village were being constructed it was always recognized that there would always be a building on site B and was pre-graded at that time as a flat area, in anticipation for future construction. Shawn noted that construction did not occur as quickly as it had originally started back in the early 2000's. Shawn further noted that as an interim measure, because this flat area was left over, it was temporarily and informally used as additional parking. Member McKinlay questioned if what he was speaking about includes the lands on the site plan that will be taken up by Village Crescent, that is not currently Village Crescent. Shawn spoke noting it is not and what parking he was referring to is only where the site B building footprint is proposed to be located and further noted that any changes to the main parking area would have to be reviewed through a site plan approval process parking monitoring and studies would be necessary, as mentioned in the staff report.

The Committee further discussed the merits of the application as it relates to parking.

Member Martin noted the Committee's principal function is to determine if applications before the Committee are minor or not. Member Martin further noted when there four issues in an application, they should be considered together as to what the result would be, even though others would argue that one issue should be dealt with at a time. Member Martin questioned if on a proportional bases, are these big problems and if they are, the Committee does not have jurisdiction, if they are not, the Committee has jurisdiction. Member Michael requested clarification on why this application is considered minor. Jamie noted they meet the minor requirement and cumulatively the proposed variances move the zoning for this site more closely aligned with the Master Development and Master Site Plan envisioned for this site. Jamie further noted the current zoning, allowing for 30% coverage and requirements are not consistent with the first plan and this application moves it closed to that, making it minor. Jamie further noted the other building massing that is allowed from a zoning perspective today, there is no relief being sought to height, or building width and noted for those reasons, if you are looking at the building from a massing perspective, the amendments being requested are minor in that sense, there is not a significant increase of massing for the building it is a minor massing increase being requested.

Jamie further noted that this proposal helps facilitate the public interest through providing a good urban street scape along village crescent, that reduced set back, there is a good flow through the building, enough space for public drop off to access the amenity space within the village and creates a nice village square.

The Committee further discussed the parking issues and the merits of the application.

Chair Waind noted that two people in Council Chambers helped with the creation of the Master Development Agreement (MDA) being himself and Colin Travis.

Chair Waind questioned Colin Travis, Agent for Blue Mountain Resort if he misunderstood his written comments that it meets the four tests or the general requirements of the concept plan. Colin noted that in isolation the four tests are met and further noted his comments referred to his concern over the MDA and the site plan and the need to ensure that is properly coordinated to guarantee a well coordinated overall plan, consistent with the MDA and address on-going operational and adjacent land questions that Blue Mountain Resort has.

Member McKinlay refers to the staff report noting the parking requirements and questioned what the rational for 30% surface parking is. Adam noted that is a zoning by-law provision which is an implementing extension of the Official Plan policies and some of the intent of the Master Development Agreement. Adam further noted that the Official Plan policies speak to parking and parking considered in the context of the

function of this property as a ski resort, with a focus on an outdoor amenity, as well as the varied commercial offerings of the village. Adam noted this provision is providing an element of parking that is viewed as being more accessible at surface level.

Member Oliver questioned if the 30% requirement for parking is for this site specifically or for the entire resort. Adam noted the requirement is 30% of the required parking be surface parking. Member Oliver questioned what the percentage of the existing parking on site is today, that is not surface parking. Adam noted the provision in the by-law is that 30% of the required parking associated with a new development application be surface parking and the totality of the parking for this proposal would be underground.

Member Pratt noted that this plan was created over 20 years ago and the plan needs tweaking because parking has become a bigger problem than was thought it would be and questioned if a parking lot identified that is close to the site could be used to address this problem.

Sheila Shears, Property Manager for Grey Standard Condominium Corporation Number 75 and a couple of the townhouse condominiums across from the village, provided comments regarding the application. Sheila noted on behalf of Grey Standard Condominium Corporation Number 75's Board of Directors, they share the concerns raised by the Blue Mountain Village Association as well as the information that was provided by planning staff, recognizing there is a lot of conversation that has taken place in the last couple of hours that would not have been provided in the information that was written, but that is what information she has to share on behalf of the Board. Sheila spoke on behalf of Grey Condo 29 and 27, noting they experience a lot of parking issues and is not limited to the winter season and is becoming more of a problem year round and is something that needs to be considered when more units and commercial space is being brought in.

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: Jan Pratt

THAT the Committee of Adjustment receive Staff Report PDS.24.134, entitled "Recommendation Report – Minor Variance A39-2024 – Freed Village Site B."

Yay (5): Michael Martin, Jim Oliver, Duncan McKinlay, Jan Pratt, and Robert Waind

The motion is Carried (5 to 0)

Moved by: Jan Pratt

Seconded by: Duncan McKinlay

AND THAT the Committee of Adjustment REFUSE a minor variance to Town of Collingwood By-law 83-40 as amended, Section 5.8 (b)(i), Section 15.2 (c), (e) and Section 15.9 (e) to permit:

1. A development on a lot which fronts on a private road;
2. An increase of maximum lot coverage from 30% to 32%;
3. A reduction in the required minimum front yard setback from 15 metres to 7.5 metres;
4. A reduction in required minimum surface parking from 30% to 0% surface parking space.

Yay (3): Duncan McKinlay, Jan Pratt, and Robert Waind

Nay (2): Michael Martin, and Jim Oliver

The motion is Carried (3 to 2)

C. Deferred Applications

C.1 Minor Variance Application A26-204

Owner: Matthew Grandmont

Applicant/Agent: Nicholas Sibbet, Tandum Studios Inc.

Municipal Address: 191 Summit View Crescent

Legal Description: Plan 1029 Lot 34

Chair Waind provided a recap of the application noting it was deferred at the July meeting with a request from the Committee for more information. Planning Staff then provided an overview of the review of the application and recommendations contained in the Staff Recommendation Report Addendum.

Nicholas Sibbet, Agent for the Applicant spoke providing more information to the Committee regarding the work that was undertaken as requested by Grey Sauble Conservation Authority.

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: Jan Pratt

Seconded by: Duncan McKinlay

THAT the Committee of Adjustment receive Staff Report PDS.24.145, entitled “Recommendation Report – Minor Variance A26-2024 – 191 Summit View Crescent (Grandmont) ADDENDUM;”

Yay (5): Michael Martin, Jim Oliver, Duncan McKinlay, Jan Pratt, 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 a minor variance for A26-2024, subject to the following conditions:

1. That a permit is obtained from the Grey Sauble Conservation Authority;
2. That the site development be constructed in a manner substantially in accordance with the submitted site plan; and
3. 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 November 20, 2026.

Yay (5): Michael Martin, Jim Oliver, Duncan McKinlay, Jan Pratt, and Robert Waind

The motion is Carried (5 to 0)

C.2 Consent Application B09-2024

Owners: Joe and Lynda Elmes

Applicant/Agent: Colin Travis, Travis & Associates

Municipal Address: Town Plot Lot 10 SW Louisa St. NE Alice St. RP 16R-8525 Part 1

Chair Waind noted that Town Staff and the Applicant have been working together and requested that Staff provide an update regarding the further request for a deferral of this application. Shawn spoke noting the requirement for this application to come before the Committee due to the deferral decision of the Committee had set a timeframe for when this matter would be back before the Committee. Shawn further noted last week

the owner of the lands and the agent provided Town Staff with a detailed tree inventory and preservation plan and therefore there was not sufficient time to prepare an update report for this particular meeting. Shawn further noted that Staff will be reviewing the materials provided as well as the other items raised at the meeting in the summer and will provide all that information to the Committee in a report. Shawn noted that it is Staff's recommendation to defer this application one more meeting, to allow Staff to digest the information and bring a fulsome report back to this Committee for consideration. Chair Waind questioned if the deferral request was on consent and the Secretary-Treasurer confirmed on the record that Colin Travis, Agent, who was in attendance in Council Chambers confirmed the deferral request was on consent.

The Committee discussed whether to put a specific date for the application to come back to the Committee.

Moved by: Duncan McKinlay

Seconded by: Michael Martin

THAT the Committee of Adjustment DEFERS Consent Application B09-2024 to the January 2025 Committee of Adjustment Meeting.

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

Nay (1): Jan Pratt

The motion is Carried (4 to 1)

D. Other Business

D.1 2025 Committee of Adjustment Schedule

Secretary-Treasurer Carrie Fairley provided an overview of the proposed meeting schedule for 2025.

Moved by: Duncan McKinlay

Seconded by: Jim Oliver

THAT the Committee of Adjustment receives and endorses the 2025 Meeting Schedule, as presented.

Yay (5): Michael Martin, Jim Oliver, Duncan McKinlay, Jan Pratt, and Robert Waind

The motion is Carried (5 to 0)

E. Committee Member Expenses

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

F. Notice of Meeting Date

December 18, 2024

Town Hall, Council Chambers, and Virtual

January 15, 2025

Town Hall, Council Chambers, and Virtual

G. Adjournment

Moved by: Michael Martin

Seconded by: Duncan McKinlay

THAT the Committee of Adjustment does now adjourn at 4:08 p.m. to meet again at the call of the Chair.

Yay (5): Michael Martin, Jim Oliver, Duncan McKinlay, Jan Pratt, and Robert Waind

The motion is Carried (5 to 0)