



Minutes

The Blue Mountains, Committee of Adjustment

Date: December 18, 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, Duncan McKinlay, Jan Pratt, Robert Waind

Staff Present: Manager of Community Planning, Shawn Postma, Chief Building Official Tim Murawsky, Planner Manuel Riviera

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. Secretary-Treasurer Carrie Fairley noted all members were present in Council Chambers.

A.3 Approval of Agenda

Moved by: Michael Martin

Seconded by: Jim Oliver

THAT the Agenda of December 18, 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.

None

A.5 Previous Minutes

Moved by: Jan Pratt

Seconded by: Jim Oliver

THAT the Minutes of November 20, 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

A.6.1 Amendment to Application Due Date in 2025 Committee of Adjustment Schedule (Received For Information)

Secretary-Treasurer Carrie noted there was an error in the due date of the original schedule which had been fixed. Carrie further noted she was providing this as information to the Committee and the public.

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. A40-2024

Owner: Gabriele Clerici

Applicant/Agent: Matthew Fratarcangeli, Tenhouse Building Workshop

Municipal Address: 140 Venture Blvd.

Legal Description: Plan 16M7 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.

Chair Waind questioned how the provisions of the Planning Act with respect to Notice were provide considering the Canada Post Strike. The Secretary-Treasurer noted that while the Canada Post Strike remains active, the Town can meet the minimum *Planning Act* requirements as per Subsection 4.1 of the *Planning Act*. The Secretary-Treasurer confirmed that Notice was published to the website in compliance with the timelines of the Planning Act, an eblast was sent to the Council/Committee subscribers and a courier provided a physical copy of the Notice to every landowner within 60 metres of the area to which the application applies.

Member McKinlay noted the house, and pergola is at 32% lot coverage, and questioned if there was a pervious application for the extra lot coverage. Planner Manuel noted that this property is located in the Orchard subdivision and there could have been other permissions aloud when that subdivision was created.

Member McKinlay sought clarification on a pergola, noting there is no roof, which Manuel confirmed is correct. Member McKinlay questioned if it is counted in the percentage of lot coverage and Manuel confirmed that in this case, it is considered an accessory structure.

Member Oliver questioned how this property has managed to have a 33.8% lot coverage. Tim Murawsky, Chief Building Official noted at the time this home was constructed, the Building Code requirements for a building permit is more than 8 square feet or 10 square metres. Tim further noted that quite often when accessory buildings are being constructed that do not require a building permit, property owners are not contacting the Town for zoning, they figure that no permits are required so I can put it wherever is wanted and Tim further noted that there is a good possibility that could have happened in this case. Tim noted that the Building Code further changed a couple of years ago and now a building permit is not required for accessory structures under 15 square metres. Tim spoke regarding this application noting the new accessory building is 14.9 square metres and a building permit is not required, and further noted that even though it is not required, the applicant did contact the Town to see if anything else is

required, such as zoning and that is why it was found out to not meet the zoning requirements. Tim noted that when the Building Department is considering a pergola, if it does not support a snow load or a rain load, snow and rain can filter through it, it is open, then it is not considered to be a building as it does not have a roof. Tim noted that if it does carry a roof load, then it would be considered a building.

The Committee and staff further discussed merits of the application and the difference between pergolas and gazebos.

Member Oliver spoke regarding the 10% lot coverage of accessory structures and questioned if the 10% is addition to the 30% lot coverage or is intended to be contained within the 30% lot coverage. Shawn Postma, Manager of Community Planning noted that all accessory buildings are capped at 10% and 30% lot coverage is the maximum for the house and all accessory buildings.

Member McKinlay questioned if this application is approved, would it bring this property into compliance with the zoning by-law. Shawn noted that if the committee grants the variance, it will recognize the increased lot coverage including both the proposed gazebo and the existing pergola structure bringing the property into compliance. Shawn further noted that a further variance would be required, whether a building permit is required or not, for any additional buildings or structures on this property.

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

Matthew Fratarcangeli, Agent for the Application spoke regarding the four tests noting they feel they are minor in nature and not causing any undue impacts to the neighbours and is matching with the character, as well as meeting the intend of the Official Plan and zoning by-laws and is proposing an accessory building, which is a permitted use, and is consistent with the objectives in the resort area. Matthew noted that most by-laws are met for this accessory structure. Matthew noted that the lot coverage was calculated based on the survey they completed. Matthew confirmed that this structure will not be human habitation, as there will be no plumbing and is truly an accessory structure. Matthew noted the reason that the proposed gazebo is 14.9 square metres is because that is the standard size from the builder, and they produce these as a kit. Matthew spoke regarding condition number two noted in the draft decision and requested that part of the recommendation be amended to note "if a building permit is required" as this application does not require a building permit.

Member Martin noted this is a small amount and the way to resolve this is for this committee to approve 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: Jan Pratt

THAT the Committee of Adjustment receive Staff Report PDS.24.150, entitled “Recommendation Report – Minor Variance A40-2024 – 140 Venture Blvd. (Clerici);”

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: Jan Pratt

AND THAT the Committee of Adjustment GRANT a minor variance for A40-2024 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 to Zoning By-law is for the purpose of increasing the maximum lot coverage to not more than 33.9% and is valid for a period of two (2) years from the date of decision. If a building permit is required, it must be issued by the Town within two years. The variance shall expire on December 18, 2026.

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

The motion is Carried (5 to 0)

C. Other Business

C.1 Municipal Land Use Agreement Staff Report PDS.24.154

Note: Council will consider staff report PDS.24.154 for adoption at the December 16, 2024, Council meeting and is being provided to this Committee for information only.

Manager of Community Planning, Shawn Postma provided an update to the Committee regarding this staff report and the motion that was passed by Council at the December 16, 2024, Council meeting.

D. Committee Member Expenses

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

E. Notice of Meeting Date

January 15, 2025

Town Hall, Council Chambers, and Virtual

February 19, 2025

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 1:38 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)