



Minutes

The Blue Mountains, Committee of Adjustment

Date: June 18, 2025
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: Duncan McKinlay, Jim Oliver, Jan Pratt, Robert Waind

Members Absent: Michael Martin

Staff Present: Manager of Community Planning Shawn Postma, Planner I Manuel Riveria and Deputy Chief Building Official Nancy Laythorpe

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. Secretary-Treasurer Carrie Fairley noted all members were present save and except of Member Martin, who sent his regrets.

A.3 Approval of Agenda

Moved by: Robert Waind

Seconded by: Duncan McKinlay

THAT the Agenda of June 18, 2025, be approved as circulated, including any additions to the agenda.

Yay (4): Duncan McKinlay, Jim Oliver, Jan Pratt, and Robert Waind

Absent (1): Michael Martin

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: Robert Waind

Seconded by: Jan Pratt

THAT the Minutes of May 21, 2025, be approved as circulated, including any revisions to be made.

Yay (4): Duncan McKinlay, Jim Oliver, Jan Pratt, and Robert Waind

Absent (1): Michael Martin

The motion is Carried (4 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. A08-2025

Owner: Karra and John Greenwood

Applicant/Agent: Derek Crawford, Delta C Projects Inc.

Municipal Address: 54 Bruce Street South

Legal Description: TOWN PLOT PT LOT 5 LOUISA W/S

Chair Oliver noted that Staff are recommending a deferral of this application and discussed with Staff if this matter would be heard at this meeting. Staff noted that since notice was provided in accordance with the Planning Act, the Committee should proceed to hear any comments regarding the application, if residents had attended to speak to it.

Chair Oliver 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 why they are making the recommendations contained in the Staff Recommendation Report.

Member Waind questioned why this application is before the Committee and it is not just being dealt with through a change of use. Manuel noted that the existing setbacks and heights have to be recognized in order to convert the use from an existing accessory use. Manuel further noted that with this application the proposal is a change of use from a concrete barn into an additional residential unit. Chair Oliver sought clarification noting before we can acknowledge the change in use, or as part of acknowledging the change in use we must approve these minor variances. Manuel confirmed that was correct.

The Committee and Staff further discussed the merits of the application and whether or not a change of use is more appropriate. Chair Oliver noted his understanding is that in order for an additional residential unit to be approved, the additional residential unit

must comply with the by-law or have the appropriate minor variances if it does not comply.

Member McKinlay questioned if the structural integrity of an old poured concrete structure is validated as it is converted into human habitation. Nancy Laythorpe, Deputy Chief Building Official noted when a permit application is received, they look at what is being proposed and what is existing. Nancy further noted that when the application is received, if there is nothing noting what is existing and only speaks to what is being proposed, a structural review of the existing structure is completed.

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

Bob McNichol, neighbour, noted they were questioning how a 150-year-old building could meet current building codes and noted there is a process for that. Bob further questioned how the renovation and the ongoing maintenance will be managed and how it would proceed as there is no easement on the back part of the building. Manuel noted that question will be reviewed, and a response will be provided when this application is back before the Committee.

As there was no one else in attendance to speak in favour of or in opposition to the proposal, Chair Oliver closed the public meeting.

Moved by: Duncan McKinlay

Seconded by: Robert Waind

THAT the Committee of Adjustment receive Staff Report PBS.25.044, entitled "Recommendation Report – Minor Variance A08-2025 – 54 Bruce St (Greenwood)";

Yay (4): Duncan McKinlay, Jim Oliver, Jan Pratt, and Robert Waind

Absent (1): Michael Martin

The motion is Carried (4 to 0)

Moved by: Jan Pratt

Seconded by: Robert Waind

AND THAT the Committee of Adjustment DEFER a decision on minor variance for A08-2025 that requests permission for the conversion of an existing 81.87 m² concrete barn into an additional residential unit.

AND THAT the Committee of Adjustment requests a response and update from Planning Staff on or before the September Committee of Adjustment Meeting for consideration.

Yay (4): Duncan McKinlay, Jim Oliver, Jan Pratt, and Robert Waind

Absent (1): Michael Martin

The motion is Carried (4 to 0)

B.2 Minor Variance Application No. A09-2025

Owner: Alex Scott (C/O Brian Scott)

Applicant/Agent: Kaegan Walsh, Architect Ltd.

Municipal Address: 126 Bay Street East

Legal Description: PLAN 395 PT LOT 15

Chair Oliver 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 noted that when he attended the site, he became confused by the measurements as it appears that it will be touching the house and is moving approximately 12 feet. Member McKinlay further questioned if when the garage is moved and attached to the home, will it be permitted to have a second storey. Manuel noted that with respect to the height, they could have a second storey. Manuel further noted that with respect to the relocation, they are moving it and adding it to the main building footprint, and it is maintaining the same characteristics. Manuel spoke regarding the setback from 0.2 meters and noted that measurement came from the survey that was provided and was indicated in the application package. Manuel noted that the 0.2 meters is just to move it further back, to provide further distance from the road, from the building. Member McKinlay noted that it is difficult to tell where the lot line is located and noted that basically it is on the lot line now, and is being moved back.

Chair Oliver spoke regarding the Saugeen Ojibway Nation's (SON) request for the property to undergo an archaeological assessment. Shawn Postma, Manager of Community Planning noted that there have been these responses lately in terms of requests for archeological assessments for properties along Georgian Bay which are identified as areas of high archeological interest. Shawn further noted that it is up to the Committee to decide if an archeological assessment should be added as a condition to

any of the minor variances. Shawn further noted that in this particular case, the fact that this garage is already in a disturbed area and is being shifted back a little bit from its present location may or may not appear to generate archeological significance. However, SON has still flagged this property to undertake that work. Shawn noted that he has reached out to SON for some additional insight into these requests for archeological assessments, to see if the town can support them in terms of providing any additional information or review to scope these comments down and if there is any information that they can share in terms perhaps informing or help educate the importance and where these archeological assessments may be appropriate. Shawn further noted that at the time of writing this report and as of today, we still have not received a response.

Member Waind questioned that if the applicant was applying for a building permit without the need for the minor variance, they would be able to proceed without this request from SON. Shawn noted that is correct. Member Waind further noted that if it is a greenfield site, it makes perfectly good sense but when there is a disturbed site, during construction and if there were artifacts that were discovered does the municipality could issue a stop work order until a more thorough examination is completed. Member Waind noted that a minor variance is nothing more than a tweaking and is confused as to why an applicant should have a horrendous expense for a site that is already developed. Shawn noted that there is legislation in place that if artifacts were found there is a requirement to stop working and inform the proper ministries.

The Committee further discussed the merits of the request from SON.

Kaegan Walsh, Agent for the Applicant spoke noting he is available to provide any insight on the application that the Committee requires. Chair Oliver requested that Kaegan confirm the distance of the proposal. Kaegan noted that the information they worked off is a survey from 1972 and that the application proposes to move the building approximately 2.15 meters back and being moved away from the side yard as well. Chair Oliver questioned if the current building would be demolished or moved. Kaegan noted that it is being demolished and rebuilt. Kaegan further noted that the height will be increased to match the roof on the existing structure. Member McKinlay questioned the proposed building will have a garage and Kaegan confirmed that the structure will have a ground floor garage with an attic and two dormers.

Chair Oliver 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 Oliver closed the public meeting.

Moved by: Robert Waind

Seconded by: Jan Pratt

THAT the Committee of Adjustment receive Staff Report PBS.25.045, entitled "Recommendation Report – Minor Variance A09-2025 – 126 Bay St E (Scott)";

Yay (4): Duncan McKinlay, Jim Oliver, Jan Pratt, and Robert Waind

Absent (1): Michael Martin

The motion is Carried (4 to 0)

Moved by: Robert Waind

Seconded by: Duncan McKinlay

THAT the Committee of Adjustment GRANT Application **A09-2025** for to permit the relocation of an existing 41 m² detached garage, attaching it to the southern portion main building, and to recognize a 29 m² addition on the western side of the main building subject to the following conditions:

1. A Grey Sauble Conservation Authority permit be obtained with all openings being proposed are above the are required elevation for flood proofing of 179.9 m;
2. The Grey Sauble Conservation Authority minor variance fee of \$ 630 be paid;
3. An erosion and sediment control plan should be implemented to reduce impacts to fish habitat;
4. That the site development be constructed in a manner substantially in accordance with the submitted site plan;
5. That the Owner complete an archaeological assessment, or receive confirmation that an assessment is not required to the satisfaction of the Saugeen Ojibway Nation;
6. 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 June 18, 2027.

Yay (2): Jan Pratt, and Robert Waind

Nay (2): Duncan McKinlay, and Jim Oliver

Absent (1): Michael Martin

The motion is Lost (2 to 2)

Moved by: Duncan McKinlay

Seconded by: Jan Pratt

THAT the Committee of Adjustment GRANT Application **A09-2025** for to permit the relocation of an existing 41 m² detached garage, attaching it to the southern portion main building, and to recognize a 29 m² addition on the western side of the main building subject to the following conditions:

1. A Grey Sauble Conservation Authority permit be obtained with all openings being proposed are above the are required elevation for flood proofing of 179.9 m;
2. The Grey Sauble Conservation Authority minor variance fee of \$ 630 be paid;
3. An erosion and sediment control plan should be implemented to reduce impacts to fish habitat;
4. That the site development be constructed in a manner substantially in accordance with the submitted site plan;
5. That the Owner be aware that these lands may have archaeological resources and that should resources be found during the construction process that the Ontario Ministry of Tourism, Culture and Gaming and the Saugeen Ojibway Nation be informed and consulted.
6. 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 June 18, 2027.

Yay (2): Duncan McKinlay, and Jim Oliver

Nay (2): Jan Pratt, and Robert Waind

Absent (1): Michael Martin

The motion is Lost (2 to 2)

Moved by: Jan Pratt

Seconded by: Robert Waind

THAT the Committee of Adjustment GRANT Application **A09-2025** for to permit the relocation of an existing 41 m² detached garage, attaching it to the southern portion main building, and to recognize a 29 m² addition on the western side of the main building subject to the following conditions:

1. A Grey Sauble Conservation Authority permit be obtained with all openings being proposed are above the are required elevation for flood proofing of 179.9 m;
2. The Grey Sauble Conservation Authority minor variance fee of \$ 630 be paid;
3. An erosion and sediment control plan should be implemented to reduce impacts to fish habitat;
4. That the site development be constructed in a manner substantially in accordance with the submitted site plan;
5. 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 June 18, 2027.

Yay (3): Jim Oliver, Jan Pratt, and Robert Waind

Nay (1): Duncan McKinlay

Absent (1): Michael Martin

The motion is Carried (3 to 1)

B.3 Minor Variance Application No. A11-2025

Owner: Don Powers

Applicant/Agent: Sheri Coles, House of Arcadia

Municipal Address: 229 Brophy's Lane

Legal Description: PLAN 529 PT LOT 68 LOT 69 P16R 3824 PARTS 1 & 2

Chair Oliver 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 if the condition were approved to realign the break wall, would it be a zero-side yard from the break wall and would additional permits, conservation authority, et cetera, be required for that work. Manuel noted that it would be Grey Sauble Conservation Authority if the condition were granted to relocate the break wall.

Chair Oliver questioned who owns lot 70 and Manuel advised that the Town owns that lot.

Sheri Coles, Agent for the Applicant provided background information to the Committee regarding the subject property including information regarding a shoreline study that was conducted which identified the best course of action is to raise the height of the building.

The Committee further discussed the merits of the application including the retaining wall.

John Kirby, Resident spoke noting that he is a long-time resident of the area and over the years and noted that he is in support of the application but noted some issues he has with respect to the Judge's Plan from the 80's. John provided background information with respect to the Judge's Plan and Plan 529. John further noted discrepancies that are occurring with respect to water frontage.

Gary Nubriga, Resident spoke regarding this application and provided more background information to the Committee regarding Plan 529 and the Judge's Plan.

Paul Fox, Resident spoke regarding the application and provided background information to the Committee with respect to drainage on the property.

Karen Poncelet, Resident providing information regarding the current uses of the property and requested the boundaries be clearly marked to identify where people can walk.

Pat Hall, Resident, spoke regarding the maintenance of Lot 70 going forward and requested the Town maintain that property.

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

Member Waind spoke regarding Plan 529 and provided background information to the Committee.

The Committee further discussed the merits of the application with Staff.

As there was no one else in attendance to speak in favour of or in opposition to the proposal, Chair Oliver closed the public meeting.

Moved by: Robert Waind

Seconded by: Duncan McKinlay

THAT the Committee of Adjustment receive Staff Report PBS.25.047, entitled “Recommendation Report – Minor Variance A11-2025 – 229 Brophy’s Lane (Powers)”;

Yay (4): Duncan McKinlay, Jim Oliver, Jan Pratt, and Robert Waind

Absent (1): Michael Martin

The motion is Carried (4 to 0)

Moved by: Robert Waind

Seconded by: Duncan McKinlay

THAT the Committee of Adjustment GRANT Application **A11-2025** to permit the reconstruction of the existing dwelling with a new addition utilizing the existing foundation and located closer to the westerly side lot line and within the wave uprush from Georgian Bay subject to the following conditions:

1. A permit from Grey Sauble Conservation Authority be obtained and all openings proposed are above the 177.9 m elevation;
2. The Grey Sauble Conservation Authority minor variance fee of \$630 be paid;
3. An erosion and sediment control plan should be implemented to reduce impacts to fish habitat and wetlands;
4. That the site development be constructed in a manner substantially in accordance with the submitted site plan;
5. That the Owner complete an archaeological assessment, or receive confirmation that an assessment is not required to the satisfaction of the Saugeen Ojibway Nation; and

6. That the Owner relocates the existing portion of the driveway off of Lot 70 to be added on to the subject lands with a minimum setback of 1.0 m between the driveway and eastern property line;
7. That the Owner relocates the retaining wall from Lot 70 and to be added on to the subject lands; and
8. 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 June 18, 2027.

Yay (1): Robert Waind

Nay (3): Duncan McKinlay, Jim Oliver, and Jan Pratt

Absent (1): Michael Martin

The motion is Lost (1 to 3)

Moved by: Duncan McKinlay

Seconded by: Robert Waind

THAT the Committee of Adjustment GRANT Application **A11-2025** to permit the reconstruction of the existing dwelling with a new addition utilizing the existing foundation and located closer to the westerly side lot line and within the wave uprush from Georgian Bay subject to the following conditions:

1. A permit from Grey Sauble Conservation Authority be obtained and all openings proposed are above the 177.9m elevation;
2. The Grey Sauble Conservation Authority minor variance fee of \$630 be paid;
3. An erosion and sediment control plan should be implemented to reduce impacts to fish habitat and wetlands;
4. That the site development be constructed in a manner substantially in accordance with the submitted site plan;
5. That the Owner relocates the existing portion of the driveway off of Lot 70 to be added on to the subject lands with a minimum setback of 1.0 m between the driveway and eastern property line;

6. That the Owner relocates the retaining wall from Lot 70 and to be added on to the subject lands; and

7. 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 June 18, 2027.

Yay (3): Duncan McKinlay, Jim Oliver, and Robert Waind

Nay (1): Jan Pratt

Absent (1): Michael Martin

The motion is Carried (3 to 1)

C. Other Business

D. Committee Member Expenses

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

E. Notice of Meeting Date

July 16, 2025

Town Hall, Council Chambers and Virtual

August 20, 2025

Town Hall, Council Chambers and Virtual

F. Adjournment

Moved by: Robert Waind

Seconded by: Jan Pratt

THAT the Committee of Adjustment does now adjourn at 3:20 p.m. to meet again at the call of the Chair.

Yay (4): Duncan McKinlay, Jim Oliver, Jan Pratt, and Robert Waind

Absent (1): Michael Martin

The motion is Carried (4 to 0)