



Minutes

Committee of Adjustment

Meeting Date: October 18, 2017
Meeting Time: 4:00 pm
Location: Town Hall Council Chambers
32 Mill Street, Thornbury
Prepared by Lori Carscadden – COA Secretary/Treasurer

A. Call to Order

Chairman Morgan called the meeting to Order with the following members in attendance, being David Morgan, Robert Waind and Bill Remus. Also attending were Town Planners Denise Whaley and Travis Sandberg as well as Secretary/Treasurer Lori Carscadden who read aloud the Fire Evacuation Notice.

A.2 - Approval of Agenda: Moved by: Robert B. Waind Seconded by: Bill Remus
“THAT the Agenda of October 18, 2017 be approved”. Carried

A.3 – Declaration of Pecuniary Interest: none

A.4 - Adoption of Previous Minutes

Moved by: Robert B. Waind Seconded by: Bill Remus
“THAT the Minutes of September 20, 2017 be adopted”. Carried

A.5 – Business Arising from Previous Minutes – none

B. – Deputations/Presentations – Chairman Morgan indicated that there would be two Deputations before the Committee and would be heard under Agenda Item C.2 below.

C. Public Meeting – 4:00 p.m.

C.1 Application No: A14-2017
Owners: Gary Duke & Chantal Brault
Location: Part Lot 9, Concession 5
Civic Address: #589228 Grey Road 19

Chairman Morgan read aloud the applications purpose and effect which noted that the variance seeks relief from Section 5.2(v) of the Township of Collingwood Zoning By-law 83-40 which permits a maximum height of 4.5m for all accessory structures.

The purpose and effect of the proposed variance is to allow a 1.5m increase in the permitted height of an accessory structure for the construction of a detached garage.

The subject property is legally described as Concession 5, Part Lot 9, Registered Plan 16R-4569, Part 1, Town of The Blue Mountains.

The Secretary/Treasurer stated that the Public Hearing Notice was circulated in accordance with the *Planning Act* by pre-paid first class mail. The Notice was provided to the Owners to be posted on the subject lands.

Comments were received from the following:

County of Grey Planning Department – the County Official Plan identifies the property within the Significant Woodlands wherein no development or site alteration may occur unless there were no negative impacts identified through an Environmental Impact Study (EIS); comments should be received from the Grey Sauble Conservation Authority (GSCA) rather than an EIS as development already exists on the subject property and the proposal is accessory to the existing development; provided positive comments are received from the GSCA the County would have no concerns;

County Transportation Services – no objections or concerns;

Grey Sauble Conservation Authority (GSCA) – no natural hazards mapped on the property; a portion has been mapped as significant woodland in the County Official Plan; a site visit indicated that the proposed structure would be outside of the mapped woodland and physical woodland and therefore it is not anticipated that the proposal would have any negative impact on the adjacent woodland feature; GSCA has no objection;

Lands & Resources Historic Saugeen Metis – no objection;

Infrastructure & Public Works – no comments;

Community Services – no concerns;

Planning Department – meets the four test of the Planning Act and would recommend approval.

Robert Waind wondered if the style of the proposal was similar to that of a “bunkie” and/or a second dwelling that would have the ability to, in the future, become habitable. Mr. Waind asked if this could legally be converted at some point in time. Travis Sandberg, Planner, replied that the building could at some point become habitable provided it went through the site plan review and building permit processes. He further stated that secondary suites are a permitted use subject to a building permit. He noted that there is no public input and/or circulation during the site plan review process.

Neither the Owner(s) nor Agent were in attendance.

As there were no other person(s) in attendance to speak in favour of or in opposition to the variance, Chairman Morgan closed the Public Hearing portion of the meeting.

Motion to adopt the Planning Staff Report #PDS.17.97

Moved by: Robert B. Waind

Seconded by: Bill Remus

Carried.

Motion:

Moved by: Robert B.Waind

Seconded by: Bill Remus

REASON FOR DECISION:

THAT the Committee of Adjustment GRANT Minor Variance Application No. A14-2017 to permit the construction of a detached accessory structure with a maximum height of 6.0m.

CONDITIONS:

1. That the development be constructed in a manner substantially in accordance with the sketch attached as Attachment #1.
2. This variance to the zoning by-law is for the purpose of obtaining a building permit and is valid for a period of two years from the date of the decision only. If a building permit has not been issued by the Town within two years, the variance shall expire on October 18, 2019.

REASON FOR DECISION:

The Committee is satisfied that the application meets the four tests for minor variance of s.45. (1) of the Planning Act, as noted in the Planning and Development Services Staff Report PDS.17.97.

The Committee received written and/or oral submissions before and/or during the hearing and have taken these submissions into consideration when making the decision". Carried

C.2 Application No: A08-2017
 Owners: Parkbridge Lifestyle Communities Inc
 Agent: Andrew Pascuzzo – D.C. Slade Consulting
 Legal Description: Part Lot 161, Plan 529
 Civic Address: Grey Road 19

Chairman Morgan read aloud the following:

"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".

Further, Chairman Morgan read the following pertaining to Minor Variance Application A08-2017:

"NOTE: Application #A08-2017 was considered by the Committee of Adjustment on June 21, 2017. The Committee at that time deferred the decision of the matter, and it is now before the

Committee of Adjustment for decision. Staff are recommending refusal of Application #A08-2017 as noted in Staff Report #PDS.17.58”.

Chairman Morgan made it clear that the sole purpose of the meeting was for the Committee members to make a decision on the sales centre only. Any matters regarding drainage, grading, plan of subdivision, etc was not within the jurisdiction of the Committee of Adjustment.

Chairman Morgan called the first Deputation to come forward, being Terry Bunting. Mr. Bunting was reminded that there was a ten minute time limit to speak.

Terry Bunting – resides at 796573 Grey Road 19

- spoke at the June 21, 2017 public meeting regarding erosion on his property;
- he has hired R.J. Burnside & Associates to review the Functional Servicing and Stormwater Management Plan prepared by C.F. Crozier on behalf of Parkbridge and he has shared the information with the Town, County, Parkbridge, the Grey Sauble Conservation Authority and Niagara Escarpment Commission;
- Parkbridge have since revised their plans that would not allow additional water to watershed 10, but he is still worried that it might destabilize the slope;

At this time, Chairman Morgan reminded everyone that the purpose of the meeting is to make a decision on the sales centre only.

- Mr. Bunting asked that his “Attachment 1” be provided on the overhead screen. This diagram was of the erosion of the hill. He stated that the lowest point is 204 metres of grading and the top is 210 metres, thus making for a very steep slope. He also noted that the trees along the top of the ridge would likely be removed leaving the slope open to erosion with any water discharging into another ditch;
- he has walked the site with the Grey Sauble Conservation Authority;
- it is his understanding that the stormwater management plan has not been approved and therefore feels the application is premature until the grading and slope stability issues are addressed.

- Mr. Bunting asked that his “Attachment 2” be provided on the overhead screen which was “Figure 8” of the Stage 1 and 2 Archeological Report, prepared by ASI, showing the recommended buffer protection zone for the Plater/Fleming site.
- Mr. Bunting read aloud three separate quotes from correspondence he has had with Malcolm Horne, Archaeology Review Officer from the Ministry of Tourism, Culture and Sport in Toronto ON; from these quotes it is apparent that the proposal is premature;
- he has reviewed with Mr. Horne the Stage 2 Archeology Report which identifies significant cultural heritage features on the property and recommends establishing a development protection buffer in which no site alteration or development may occur;
- Mr. Bunting then explained how the concept site plan for the plan of subdivision proposes portions of the right-of-way and residential lots within the recommended buffer protection zone;
- Mr. Bunting noted the Town has just recently acknowledged a gift by Dr. Charles Gerrard signifying the archeological area and is being displayed at the Municipal Library.

He would think it would be contradictory for the Town to accept such a culturally significant gift and then not adhere to the significance with which it is meant to apply and enforce the recommended protection on culturally significant historic areas within the municipality. Mr. Bunting then re-iterated his opinion that the proposed sale trailer is pre-mature until issues with the overall subdivision design have been resolved, including the protection of cultural heritage features of preparing an appropriate lot drainage and grading plan;

- Mr. Bunting thanked the Committee.

Chairman Morgan asked the Committee members and Town staff if they had any questions or comments. Committee member Bill Remus referred to Section 52 of the Planning Act which prohibits the sale of any land within a proposed plan of subdivision until draft plan approval has been granted, and therefore wondered why the minor variance application was even being considered. He noted that the sign posted on the property says to register now. Planner Denise Whaley replied stating that the proposal is not a regular plan of subdivision with regular lots, noting the project would create blocks of land through a plan of subdivision, but the residential units would be created as part of a land lease community.

Chairman Morgan then called the second Deputation to come forward, being George Powell on behalf of the Blue Mountain Watershed Trust Foundation. Chairman Morgan reminded Mr. Powell that there was a ten minute time limit to speak.

George Powell, Vice Chair for the Blue Mountain Watershed Trust Foundation

- the main concern is that the proposal is premature and Mr. Powell indicated his agreement with Committee member Remus with respect to the prohibition of sales in a proposed plan of subdivision until draft approval is received, as per the Planning Act;
- the first thing to do would be to go through the subdivision process and then the sales office;
- he does not feel this application is minor because there is too much at stake, in that there are few details and too much uncertainty with respect to the overall plan for the development to comfortably say that the test of "minor" is satisfied;
- he has had a lot of years of experience monitoring the watersheds and the data over the past ten years proves that potential erosion could occur; this data has been shared with the Grey Sauble Conservation Authority;
- there are narrow ravines through the Nipissing Ridge which have been properly buffered and vegetated;
- the municipal official plan provides for protection of the environment and it is suggested that the Municipality continue to work with the developer to ensure the protection thereof;
- Mr. Powell thanked the Committee.

Chairman Morgan asked the Committee members and Town staff if they had any questions or comments. Committee member Robert Waind referred to an e-mail from the Agent dated September 20, 2017 wherein he stated that Parkbridge would like staff and the Committee to review six conditions for the minor variance however Mr. Waind did not think that any of the

six conditions were minor. Further, it was his understanding that the deferral to the minor variance that was given at the June 21, 2017 meeting was to allow time for draft plan approval to be received by the end of the summer. Mr. Waind stated that it was unfortunate that there were a lot of people in attendance at today's meeting probably looking to make comments on the draft plan however the Committee is meeting to only make a decision on the sales office. Mr. Waind agreed with the two Deputations that the minor variance is premature at this time and in his opinion, the application is not minor as it does not meet the four tests of the Planning Act and should the development proceed, any conditions should be imbedded within a municipal agreement.

Chairman Morgan asked Andrew Pascuzzo, being the Agent, if draft plan approval had been received. Mr. Pascuzzo came forward and addressed the Committee stating that there appeared to be confusion with the deferral given at the June 21, 2017 meeting. He also noted that supposedly the Committee had made comments regarding the Parkbridge proposal at the September 20, 2017 Committee meeting.

Chairman Morgan read aloud from the September 20, 2017 Committee meeting minutes and confirmed that under "New and Unfinished Business" an update was given pertaining to the Parkbridge A08-2017 proposal.

Mr. Pascuzzo continued stating that once draft plan approval and zoning are in place, Parkbridge would have the ability to build the sales centre. He stated that he did not ask for a deferral at the June 21, 2017 meeting for the purpose of waiting on draft plan approval, as at that time, the variance would no longer be required. Mr. Waind replied that, in his opinion, he did not think there was any misunderstanding by the Committee and in fact, were in all likelihood prepared to refuse the minor variance when, he, the Agent, quickly asked for a three month deferral in the hopes that it would allow time during those months to receive the draft plan approval. Mr. Waind noted that the site plan approval process for any sales office should be dealt with by Council and not through the Committee of Adjustment. Further, it would make more sense to submit an application for everything which would then all be processed by Council in its usual manner.

Mr. Pascuzzo stated that he did not believe that the minor variance is premature because the proposed plan of subdivision is a land lease community, wherein individuals purchase a home but do not have ownership of a traditional lot. Thus Section 52 of the Planning Act does not apply as it speaks to the "sale of lots" within a proposed plan of subdivision and this is not the case in this situation. He further explained that the intent of the minor variance is to establish a "presentation centre" to inform the uninformed people about the land lease communities prior to purchasing. He further stated that on-site and off-site presentation centres are very different and people generally prefer to see the site when discussing potential purchases etc. He also agreed that drainage, grading, site plan review, and acceptance for construction would all have to be approved through Council. He noted that engineering plans are usually three to four submissions before final approval is given. Mr. Pascuzzo noted that it was his wish for the Committee to make a decision on the minor variance so that Parkbridge can move forward and exercise their right to either appeal the decision to the Ontario Municipal Board or to find an

off-site location for the sales presentation centre that does not require any planning approvals. He reiterated that land will not be purchased in this subdivision, only homes, and land will be leased to individuals through a lease agreement with Parkbridge and that the Planning Act allows a lease for up to 21 years.

Chairman Morgan stated that, in his opinion at the June 21, 2017 meeting, the minor variance was in all likelihood going to be refused by the Committee and at the last minute the Agent appealed to the Committee members to defer their decision in the hopes that the draft plan approval would be received.

As there were no other persons in attendance to speak in favour of or in opposition to the variance, Chairman Morgan closed the meeting.

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| Moved by: Robert Waing | Seconded by: Bill Remus |
| “To adopt the Planning Staff Report #PDS.17.58. | Carried |

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| Moved by: Robert Waing | Seconded by: Bill Remus |
| “THAT the Committee of Adjustment REFUSE Minor Variance Application No. A08-2017 to permit a temporary Sales Office. | |

REASON FOR DECISION:

The application is premature; the Committee is not satisfied that the application meets the four tests for minor variance of s.45. (1) of the Planning Act, as outlined in Staff Report PDS.17.58; and that all matters for this proposal be dealt with by Council.

The Committee received written and/or oral submissions before and/or during the hearing and have taken these submissions into consideration when making the decision”. Carried

- D. New and Unfinished Business - none**
 - E. Next Meeting Date – Tuesday, November 14, 2017**
 - F. Adjournment**
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Moved by: Robert B. Waing
 THAT this Committee of Adjustment meeting now be adjourned. Carried.