



# Minutes

## Committee of Adjustment

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**Meeting Date:** January 22, 2019  
**Meeting Time:** 4:00 pm  
**Location:** Town Hall Committee Room  
32 Mill Street, Thornbury ON  
**Prepared by** Lori Carscadden – Committee of Adjustment Secretary/Treasurer

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As this is a new term of Council, being 2019-2022, new Committees for the term have been determined by Council. At this time it was felt that it was an appropriate opportunity for any and new previous Committee of Adjustment members to receive a review and a refresher of the Powers of the Committee, any new legislation that has come into force and to provide the members with relevant information pertaining to consents, the sign by-law and fence by-law as these responsibilities have now been delegated by Council to the Committee of Adjustment. The three appointed Committee members, along with the Town's Planner and Secretary of the Committee all met on January 22, 2019 from 3:00-4:00 pm to review and discuss the information package provided earlier to each Committee member.

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### A. Call to Order

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Secretary/Treasurer called the meeting to Order with the following members in attendance, being Bill Remus, David Morgan and Robert B. Waing. Also attending were Town Planner Travis Sandberg.

**A.1 – Fire Evacuation Notice** - The Secretary/Treasurer read aloud the Fire Evacuation Notice.

#### A.2 – Election of new 2019 Chairperson

Moved by: Robert B. Waing                          Seconded by: Bill Remus  
"THAT Committee member David Morgan be appointed Chair for the year 2019 for the Committee of Adjustment". Carried.

**A.3 –** Secretary/Treasurer welcomed back all three previous Committee members. The meeting was then turned over to the Chair.

**A.4 - Approval of Agenda:** Moved by: Bill Remus                  Seconded by: Robert B. Waing  
"THAT the Agenda of January 22, 2019 be approved". Carried

**A.5 – Declaration of Pecuniary Interest:** none

## **A.6 - Adoption of Previous Minutes**

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Moved by: Bill Remus

Seconded by: Robert B. Waind

“THAT the Minutes of November 21, 2018 be adopted. Carried

Robert B. Waind asked whether or not it is necessary for the approved Minutes to be signed by the Chair and Secretary. Secretary to confer with the Town’s Clerk and report back.

## **A.7 – Business Arising from Previous Minutes – none**

## **B. – Deputations/Presentations – none**

## **C. Public Meeting – 4:00 p.m.**

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C.1	Application No:	A28-2018
	Owners:	Osler Bluff Ski Club
	Applicant:	Phil MacDonald
	Agent:	Kristine Loft – Loft Planning
	Legal Description:	Part Lot 18, Concession 1 – 114 Orchard Lane
	Civic Address:	795534 The Blue Mountains/Clearview Townline

Chairman Morgan read aloud the Public Meeting Notice, including the purpose and effect of the application, wherein the proposed variance seeks relief from the Town of The Blue Mountains Zoning By-Law #2018-65 in order to construct an addition to an existing detached dwelling on the subject lands. The applicant has applied for the following relief:

- 1) To vary the provisions of Site Specific Exception 56 of Zoning By-law 2018-65 in order to permit a ground floor addition of 55.1m<sup>2</sup>, whereas the By-law permits a maximum ground floor addition of 33.5m<sup>2</sup>; and
- 2) To vary the provisions of Site Specific Exception 56 of Zoning By-law 2018-65 in order to permit a maximum dwelling height of 9.5m and 3 storeys, whereas the By-law permits a maximum of 8.5m and 2 storeys.

The legal description of the subject lands is Part of Lot 7, Lot 8 and Lot 9, Concession 1, as it applies to 114 Orchard Lane.

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

Comments were received from the following:

County of Grey – no concerns provided the Conservation Authority has no concerns with the Significant Woodlands and the ANSI areas;

Nottawasaga Valley Conservation Authority – recommends deferral of the variance until such time as concerns with the slope erosion hazard has been appropriately addressed;

Niagara Escarpment Commission – no concerns provided the proposal does not present any site specific or neighbourly planning, visual or environmental impacts that cannot be mitigated;

Historic Saugeen Metis – no objection or opposition;

Town Building Department – a building permit is required for the proposed addition; a copy of the MOE approval for the on-site sewage system is required prior to any building permit being issued;

Town Community Services – no comments;

Town Infrastructure & Public Works – a Municipal Land Use agreement is required for the use of the access prior to any construction;

Town Planning Department – recommends the application be deferred until such time that positive comments are received from the Nottawasaga Valley Conservation Authority and the Niagara Escarpment Commission with respect to location, size, and impact of the proposed addition on the escarpment and associated slopes, as noted in Staff Report #PDS.19.17.

With the passing of the new Municipal Comprehensive Zoning By-law #2018-65, it was questioned whether or not these lands are part of the site specific appeals received against By-law #2018-65. Town Planner Travis Sandberg stated that these lands were not associated with either of the appeals received, although the new Comprehensive Zoning By-law has yet to be in full force and effect by the Local Planning Appeals Tribunal (LPAT). In the meantime, we have to consider both by-laws, being #2018-65 and former Collingwood Township Zoning By-law #83-40.

Robert B. Waind then questioned if the Public Notice that was circulated was sufficient as it only referenced By-law #2018-65. Town Planner replied that at the time the Public Notice was prepared and circulated, By-law #2018-65 was still under review, however both sections of both by-laws reflect the same provisions and therefore the purpose and intent of the variance would be deemed adequate. Mr. Waind then stated that if either by-law was more restrictive, or the same, then the matter would still be adequate. Town Planner replied that for the purpose of the application by itself the purpose and effect has been appropriately communicated. The Committee members were satisfied that the Public Notice was appropriately circulated under both By-laws.

Robert B. Waind stated that it was his recollection that the property was formerly under the Recreational Ski Area of the Niagara Escarpment Plan. Town Planner noted that that is no longer the case and that the proposal is not under the Development Control Area of the Niagara Escarpment Plan. He further stated that the Osler Bluff Ski Resort is the only resort within the municipality that is not within the N.E.C.'s Development Control Area.

Kristine Loft, Loft Planning, Consultant for the applicant was in attendance. Also in attendance was Jamie Cuthbert representing the land owner, being the Osler Bluff Ski Resort.

Ms. Loft stated that she is representing Mr. MacDonald being the lessee at 114 Orchard Lane. She noted that she has met many times with the Town Planner to review what by-law would be used for the review of this application. The specifics of exceptions were also discussed with the N.E.C. quite some time ago. The proposal is to build an extension onto the existing chalet, which is shown on the drawing on the bottom half of the Public Notice. It is the desire to increase the ground floor area from 33 sq.m to 55 sq.m. From the drawings it can be distinguished that the third floor canter levers out from the second floor to the third. The site

specific exception provides specific wording to the Osler Bluff lands that defines height. As the basement is considered to be a full 1/3 storey the request is to increase the height provision from 8.5m to 9.5m. Ms. Loft also stated that even though the application has requested an increase in the height, the architect actually feels that it will likely end up being the lesser of the two. Ms. Loft stated that they are in agreement to defer the application at this time to provide them the opportunity to satisfy the Conservation Authority's concerns.

Robert B. Waind questioned if the height would be the same as the midpoint or the eaves, with Ms. Loft replying that it is more likely to be above the midpoint.

Town Planner explained further that the site specific exception applied to these lands then the height of the building or structure is measured from the finished grade to the peak rather than the midpoint and therefore the 9.5m is measured to the peak and not the midpoint.

Jamie Cuthbert noted that the Osler Bluff Ski Club has an Architectural Committee which is formed through its members. The minor variance application was circulated and reviewed by the Committee of which no concerns were raised.

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

Motion to adopt the Planning Staff Report #PDS.19.17

Moved by: Bill Remus                                        Seconded by: Robert B. Waind                                        Carried.

Motion:

Moved by: Bill Remus                                        Seconded by: Robert B. Waind

“THAT the Committee of Adjustment DEFER Minor Variance Application No. A28-2018 to permit the development of the lands in accordance with the submitted site sketch.

CONDITIONS:

1. That the deferral of the application is only valid for a period of one (1) year from the date of decision. If there is no action on the file within one (1) year the file will be closed with no further notice to the applicant on January 22, 2020.

REASON FOR DECISION:

The Committee is satisfied that the application requires further information to be provided prior to a decision, as noted in the Planning and Development Services Staff Report PDS.19.17.

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:**

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1. Future Dates for Committee of Adjustment meetings – All Committee members were agreeable to continue with the same monthly meeting schedule as in previous months, being the third Wednesday of each month, or at the Call of the Chair.
2. Discussion on Report #PDS.18.138 and Draft Procedural By-law – Secretary/Treasurer noted that said Report was before the Committee of the Whole on December 10, 2018

with an attached draft Procedural By-law. At said meeting direction was given by Council to proceed with a Public Meeting which was held on January 14, 2019 in the Town Council Chambers. No member of the public attended nor were any written comments received at the Public Meeting. A follow-up report will be presented to the Committee of the Whole on February 04, 2019 and it is anticipated that direction will be given by Council to proceed with the passing of the Procedural By-law at the February 20, 2019 Council meeting.

**E. Next Meeting Date: February 20, 2019**

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**F. Adjournment**

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Moved by: Robert B. Waing

THAT this Committee of Adjustment meeting now be adjourned. Carried.