



# Minutes

## Committee of Adjustment

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**Meeting Date:** June 19, 2019  
**Meeting Time:** 4:00 pm  
**Location:** Town Hall Council Chambers  
32 Mill Street, Thornbury ON  
**Prepared by** Travis Sandberg – Acting Committee of Adjustment Secretary/Treasurer

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### A. Call to Order

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Chairman Morgan called the meeting to Order with the following members in attendance, being Bill Remus and Robert B. Waind. Also in attendance was the Acting Secretary/Treasurer Travis Sandberg, and Town Planners Denise Whaley and Shawn Postma.

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

**A.2 Approval of Agenda:** Moved by: Robert B. Waind      Seconded.

“THAT the Agenda of June 19, 2019 be approved”. Carried

**A.3 Declaration of Pecuniary Interest:** None

### A.4 Adoption of Previous Minutes

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Moved by: Robert B. Waind      Seconded.

“THAT the Minutes of May 15, 2019, be adopted, as submitted.” Carried

### A.5 Business Arising from Previous Minutes

None.

### B. Deputations/Presentations – none

Chairman Morgan read aloud the authority given under the Municipal Act, 2001 and in accordance with Ontario’s Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

### C. Consent (severance) Applications:

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C.1 Application No: B04-2019  
Owners: Robert Russell and Richard Shaban  
Agent: David Finbow  
Legal Description: Part Lot 26 NPH, Concession 6  
Civic Address: 115 Gibson Way

Chairman Morgan read aloud the Public Meeting Notice. The Acting 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 Acting Secretary/Treasurer also provided a summary of all written comments received as a result of the Public Notice. It was further noted that comments were received from the Grey Sauble Conservation Authority following the preparation of the Staff Recommendation Report, which included an additional recommendation that an Environmental Impact Statement be completed as a condition of provisional consent. In response to these comments, the applicant's authorized agent provided a brief presentation. The presentation provided an overview of the project and provided the following additional points in response to the GSCA comments, for the Committee's consideration:

- The identified on-site watercourse is a drainage channel, rather than a natural watercourse;
- The proposed lots comply with the applicable provisions of Zoning By-law 2018-65;
- The pre-consultation process identified the need to extend municipal sanitary services, as outlined in the submitted Functional Servicing Report. The applicant is willing to front-end the cost of this work;
- A Natural Hazards Study was completed which concluded that development and re-development of the proposed lots is possible. The building envelope maintains a minimum of 15m setback from the high-water mark and approximately 60m from the current water's edge;
- The Ministry of Transportation indicated no concern with the application;
- The comments from the Conservation Authority pertain to essentially two matters:
  - i) Natural Hazards: the agent noted that a significant building envelope has been identified outside of the flood hazard, however, does remain subject to a Development Permit from the GSCA.
  - ii) Natural Heritage Features: the agent noted that the GSCA comments identify 'potential' for natural heritage features, but was not definitive. The agent referenced the completed Natural Hazards Study recommended setbacks for the proposed development.
- The applicant's agent further offered an additional condition of provisional consent to complete an Environmental Impact Study, to the satisfaction of the Town.

The Committee discussed the comments received, and the applicant's agents response thereto, and questioned whether the additional condition was necessary. The Town Planner noted that the recommendation for approval in the Report would be premature as a result of the comments received from the GSCA. It was Staff's new recommendation that the

application be deferred to allow time to discuss these comments with the applicant and the GSCA. The Town Planner further noted that it would be prudent to address these comments, or at minimum to determine the scope for the recommended study, prior to a decision being made by the Committee so that the applicant can be sure to satisfy the conditions within the required one-year timeframe. The applicant's agent responded to Staff's concerns and noted that the Environmental Consultant of record confirmed that the study can be completed within the one-year time frame.

Nick Bitov, the owner of the easterly abutting property, provided verbal comments for the Committee. Mr. Bitov's comments indicated that he may have concerns, but was not afforded sufficient time to review the file.

Mr. Finbow stated that he believes an Environmental Impact Study could be required by the GSCA through the Development Permit process and supported the original recommendation as contained in the Staff Recommendation Report.

As a result of the discussion, the Committee members decided to approve the consent applications, subject to the original recommendations contained in the Staff Recommendation Report.

Motion to adopt the Planning Staff Report PDS.19.80

Moved by: Robert B. Waind                      Seconded and Carried.

Motion:

Moved by: Robert B. Waind.

"Decision: GRANT Provisional Consent

In making the decision upon this application for Consent, the Committee of Adjustment of The Corporation of the Town of The Blue Mountains is satisfied that the proposed Consent Application complies with the intent and direction of the Provincial Policy Statement, County of Grey Official Plan and the Town of The Blue Mountains Official Plan, and represents good planning.

**Notice:** The last date for appealing this decision or any of the conditions is: **July 10, 2019**

**If provisional consent is given, then the following conditions must be met by June 19, 2020 (one year from decision).**

1. That the Owner meets all the requirements of the Town, financial and otherwise, for the Certificate of Consent to be issued;
2. That the Owner provides a description of the land which can be registered in the Land Registry Office;
3. That payment is made to the Town for the applicable Development Charges, Parkland Dedication Fees and any Water and Sewer Charges.
4. That the Owner enters into an agreement with the Town for the extension of Sewer Services from Highway 26 to the westerly edge of the property.
5. That all above conditions be fulfilled within one year of the Notice of Decision so that

the Town's Committee of Adjustment is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

Comments were received from public agencies and were considered in the decision of the Committee. In making the decision, the Committee of Adjustment of The Corporation of The Town of The Blue Mountains is satisfied that the proposed Consent Application complies with the intent and direction of the Provincial Policy Statement, County of Grey Official Plan and the Town of The Blue Mountains Official Plan, and represents good planning." SECONDED AND CARRIED.

C.2      Application No:            B05-2019  
            Owners:                    Mark and Karen Foster  
            Applicant:                Sean and Collette Hart  
            Legal Description:        Part Lot 26 NPH, Concession 6  
            Civic Address:            595419 4th Line

Chairman Morgan read aloud the Public Meeting Notice. The Acting 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 Acting Secretary/Treasurer also provided a summary of all written comments received as a result of the Public Notice.

The applicant's agent provided a brief overview of the proposed lot addition. As there were no other persons in attendance to speak in favour of or in opposition to the application, Chairman Morgan closed the public meeting.

Motion to adopt the Planning Staff Report PDS.19.79.

Moved by: Robert B. Waing                    Seconded and Carried.

Motion:

Moved by: Robert B. Waing

"Decision: GRANT Provisional Consent

In making the decision upon this application for Consent, the Committee of Adjustment of The Corporation of the Town of The Blue Mountains is satisfied that the proposed Consent Application complies with the intent and direction of the Provincial Policy Statement, County of Grey Official Plan and the Town of The Blue Mountains Official Plan, and represents good planning.

**Notice:** The last date for appealing this decision or any of the conditions is: July 11, 2019

**If provisional consent is given, then the following conditions must be met by June 19, 2020 (one year from decision).**

1. That the Applicant provide a description of the land which can be registered in the Land Registry Office;

1. That the Applicant provide a description of the land which can be registered in the Land

Registry Office;

2. That the severed parcel be deeded as a lot addition only to the rural residential lot to the south, in accordance with Section 50 (3) of the Planning Act, R.S.O. 1990;
3. That any mortgage on the property be discharged from any land being severed and for any lands to be added to a lot with a mortgage, that any mortgage shall be extended onto the additional lands;
4. That all above conditions be fulfilled within one year of the Notice of Decision so that the Certificate of Consent pursuant to Section 53(42) of the Planning Act, can be issued by the Town

Comments were received from public agencies and members of the Committee. No comments were received in opposition to the proposal." **SECONDED AND CARRIED**

#### **D. Minor Variance Applications:**

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D.1    Application No:        A08-2019  
       Owners:                David Malcom Brown and Jacqueline Brown  
       Agent:                  Kristine Loft, Loft Planning Inc.  
       Legal Description:     Lot 42, Plan 915  
       Civic Address:         138 Campbell Crescent

Chairman Morgan read aloud the Public Meeting Notice and the Acting Secretary/Treasurer also 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 Acting Secretary/Treasurer also provided a summary of all written comments received as a result of the Public Notice.

Kristine Loft, Loft Planning, was in attendance as the authorized agent of the owner/applicant. Ms. Loft provided an overview of the application and the need for the minor variance request before the Committee of Adjustment.

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.19.72.

Moved by: Robert B. Waind.                      Secoded and Carried.

Motion:

Moved by:    Robert B. Waind.

"THAT the Committee of Adjustment GRANT Minor Variance to Application A08-2019 to permit the construction of a proposed addition to an existing single detached dwelling, subject to the following conditions:

**CONDITIONS:**

- 1) That the development be constructed in a manner substantially in accordance with

the site sketch attached as Attachment #1;

- 2) That prior to the issuance of a Building Permit, the applicant obtain a Municipal Land Use Permit, or remove/re-locate, the concrete gate post currently located within the Municipal Right of Way;
- 3) That at the time of applying for a Building Permit, the applicant provide an acceptable lot grading and drainage plan, to the satisfaction of the Chief Building Official;
- 4) 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 years from the date of decision. If a building permit has not been issued by the Town within two years, the variance shall expire on June 19, 2021.

REASON FOR DECISION:

The Committee is satisfied that the application meets the four tests of a minor variance of Section 45(1) of the *Planning Act*, as outlined in Planning Staff Recommendation Report PDS.19.72.

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". Seconded and Carried.

D.2     Application No:         A09-2019  
          Owners:                 Andrew Barber and Sylvia Gardulski  
          Agent:                 Adam Vokes  
          Legal Description:     Lot 34, Plan 954  
          Civic Address:         131 Orchard Drive

Chairman Morgan read aloud the Public Meeting Notice and the Acting Secretary/Treasurer also 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 Acting Secretary/Treasurer also provided a summary of all written comments received as a result of the Public Notice.

Committee members had a general discussion regarding the posting of on-site notice placards for variance applications, noting that the placard for the subject application was difficult to read from the roadway. At this point in time Richard Lamperstorfer, member of the public, spoke in agreement. The Committee Chair asked Mr. Lamperstorfer to reserve his comments for the public meeting portion of the hearing. The Committee members proceeded to discuss the potential to introduce larger notice placards in the future, to help ensure that they are more legible from the road. Mr. Lamperstorfer interrupted again, stating that instructions are provided by the Town on how to install the placard. At this time, the Committee Chairman indicated that if Mr. Lamperstorfer continued to speak out of turn and disrupt the proceedings, he would be asked to leave. Continued disruptions resulted in the Committee Chairman requesting Mr. Lamperstorfer to remove himself from the hearing. Following this, the applicant provided a brief overview of the application.

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

Motion to adopt the Planning Staff Report PDS.19.72.

Moved by: Robert B. Waind                      Seconded and Carried.

Motion:

Moved by: Robert B. Waind

“THAT the Committee of Adjustment GRANT Minor Variance to Application A09-2019 to permit the construction of an addition to an existing single detached dwelling, subject to the following conditions:

CONDITIONS:

- 1) That the development be constructed in a manner substantially in accordance with the site sketch attached as Attachment #1;
- 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 years from the date of decision. If a building permit has not been issued by the Town within two years, the variance shall expire on June 19, 2021.

REASON FOR DECISION:

The Committee is satisfied that the application meets the four tests of a minor variance of Section 45(1) of the *Planning Act*, as outlined in Planning Staff Recommendation Report PDS.19.72.

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”. Seconded and Carried.

**E.      New and Unfinished Business:**

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1. August Recess of Committee of Adjustment

The Committee elected to not have a recess in August. It was noted that the Chairman Morgan may not be available for the scheduled meeting in July and that the September 18<sup>th</sup> meeting will have to be re-scheduled due to member availability.

**F.      Next Meeting Date: July 17, 2019**

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**G.      Adjournment**

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Moved by:

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