



Minutes

Committee of Adjustment

Meeting Date: July 17, 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

A. Call to Order

Acting Chairman Waind called the meeting to Order with the following members in attendance, being Bill Remus. Committee member Morgan was not in attendance, as indicated at the previous Committee of Adjustment meeting. Also in attendance was the Acting Secretary/Treasurer Travis Sandberg.

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

A.2 Approval of Agenda: Moved by: Bill Remus Seconded.

“THAT the Agenda of July 17, 2019 be approved”. Carried.

A.3 Declaration of Pecuniary Interest: None

A.4 Adoption of Previous Minutes

Moved by: Robert Waind Seconded.

“THAT the Minutes of June 19, 2019, be adopted, as revised.” Carried

A.5 Business Arising from Previous Minutes

None.

B. Deputations/Presentations – none

Acting Chairman Waind 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. Public Meeting – 4:00 p.m.

C.1 Application No: B06-2019
Owners: Michael Kearns
Legal Description: Town Plot, Part Park Lot 3, South-West Duncan Street, Part 1 and 2, Registered Plan 16R-9465
Civic Address: 242 Bruce Street South

Acting Chairman Waind read aloud the Public Meeting Notice. 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.

Comments were received from the following public agencies and/or members of the public:

- The Grey Sauble Conservation Authority;
- The County of Grey Planning and Development Services Department;
- The Historic Saugeen Metis Lands, Resources and Consultation Department;
- The Town of The Blue Mountains Building Services Department;
- The Town of The Blue Mountains Infrastructure and Public Works Department; and
- The Town of The Blue Mountains Planning Services Division – recommend approval subject to the conditions noted in Planning Staff Report PDS.19.92

As there were no members of the public in attendance to speak in favour of or in opposition to the variance, Acting Chairman Waind closed the public meeting.

Member of the Public, Richard Lamperstorfer, then made comment regarding the draft decision. The Acting Chairman stated that the public portion of the hearing is closed and that the opportunity for providing comments had now been completed. Mr. Lamperstorfer continued to speak out of turn and disrupt the proceedings. The Acting Chairman indicated that if there were continued disruptions then he would be asked to leave. Mr. Lamperstorfer then removed himself from the hearing.

Motion to adopt the Planning Staff Report #PDS.19.92.

Moved by: Bill Remus Seconded and Carried.

Motion:

Moved by: Bill Remus

“THAT Committee of Adjustment authorize Consent No. B06-2019, subject to the conditions outlined in Attachment #1 to Staff Report PDS.19.92.”

Seconded and Carried.

C.2 Application No: B07-2019 and B08-2019
Owners: Krzysztof Wieslaw Szegda
Legal Description: Concession 2, Part Lot 19, Part 1, Registered Plan 16R-4601
Civic Address: 173 Arlberg Crescent

Acting Chairman Waind read aloud the Public Meeting Notice. 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.

Comments were received from the following public agencies and/or members of the public:

- The Grey Sauble Conservation Authority;
- The County of Grey Planning and Development Services Department;
- Hydro One;
- The Historic Saugeen Metis Lands, Resources and Consultation Department;
- The Town of The Blue Mountains Building Services Department;
- The Town of The Blue Mountains Infrastructure and Public Works Department; and
- The Town of The Blue Mountains Planning Services Division – recommend approval subject to the conditions noted in Planning Staff Report PDS.19.93

The applicant, Peter Sliwka, provided an overview of the proposed severance.

Blanka Guyatt, 114 Birchview Trail, provided comments on the application. She identified concerns with the loss of green space within the Tyrolean Village area, the potential for short term accommodation use of the future dwellings, the loss of trees on the property, parking, and the loss of amenity space.

The applicant responded to these concerns and indicated that trees would only be removed as needed to facilitate new driveway entrances for the dwellings. The applicant also noted that there are public tennis courts and trails providing public amenity space in the area. It was further stated that Short Term Accommodation uses were not intended at this time and should that change in the future, the requirements of the Zoning By-law and licensing by-law, including the provision of adequate parking, would have to be satisfied prior to the use being permitted.

The Committee commented that the direction of the Provincial Policy Statement is to intensify land uses within the urban area wherever possible and appropriate. The subject lands are private lands and are zoned and designated for residential and Short Term Accommodation uses and are not considered to be public open space. Further, the Tyrolean Village area is an area of the municipality where Short Term Accommodation uses are directed and they must satisfy the requirements of the Zoning By-law and licensing By-law prior to the use being permitted.

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

Motion to adopt the Planning Staff Report #PDS.19.93.

Moved by: Bill Remus

Seconded and Carried.

Motion:

Moved by: Bill Remus

“THAT Committee of Adjustment authorize Consent No. B07-2019 and B08-2019, subject to the conditions outlined in Attachment #1 to Staff Report PDS.19.93.”

Seconded and Carried.

D. Minor Variance Applications

C.1 Application No: A17-2018
 Owners: Colio Estate Wines Inc.
 Agent: Darren Vella, Innovative Planning Solutions
 Legal Description: Plan Town Plot Thornbury, Part Lots 16 to 18, North East King Street, Registered Plan 16R-9726, Part 10
 Civic Address: 90 King Street East

Acting Chairman Waind read aloud the Public Meeting Notice. 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.

Comments were received from the following public agencies and/or members of the public:

- The County of Grey Planning and Development Services Department;
- The Historic Saugeen Metis Lands, Resources and Consultation Department;
- The Town of The Blue Mountains Building Services Department;
- The Town of The Blue Mountains Infrastructure and Public Works Department; and
- The Town of The Blue Mountains Planning Services Division – recommend approval subject to the conditions noted in Planning Staff Report PDS.19.90

Mark Krech, Thornbury Cidery, provided an overview of the application.

Joe Halos, owner of 99 King Street East, spoke in support of the application. Mr. Halos spoke to the benefit to economic development and development of the downtown area that the proposed addition will provide.

Town Planning Staff clarified that the proposed conditions, as outlined in the report, had been revised due to concerns put forth by the applicant’s planning consultant. More specifically, there were concerns with respect to the limited flexibility to find alternative solutions to some of the matters identified. These items were intended to be listed as matters to be further addressed through the technical review of the future site plan submission and not intended to be included as explicit conditions of site plan approval. As such, planning staff revised the proposed conditions, as outlined in the draft decision.

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

Motion to adopt the Planning Staff Report #PDS.19.90, with the REVISED conditions.

Moved by: Bill Remus

Seconded and Carried.

Motion:

Moved by: Bill Remus

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A17-2018 for the property legally described as Plan Town Plot Thornbury, Part Lots 16 to 18 North East King Street, Part 10, Registered Plan 16R-9726, in order to permit the construction of an addition to the existing building, subject to the following conditions:

- 1) That the Owner obtain Site Plan Approval for the proposed development, and enter into a Site Plan Agreement with the Town;
- 2) That the Site Plan review process address the following matters and that appropriate conditions, as deemed necessary, are included in the granting of site plan approval by the Town as a result of the site plan review:
 - i. The provision of on-site parking, or cash-in-lieu thereof, in compliance with the appropriate provisions of Zoning By-law 2018-65, to the satisfaction of the Town;
 - ii. The encroachment of the existing driveway and concrete loading pad on the northerly abutting parcel is addressed, to the satisfaction of the Town, via land purchase, the registration of a legal easement, or removal from the abutting property;
 - iii. Zoning compliance of the existing on-site accessory structures located to the north of the building;
 - iv. Appropriate servicing for the lands, including sanitary, water, and stormwater connections, are provided to the satisfaction of the Town;
 - v. That any required pre-treatment measures for any sanitary discharge be implemented, to the satisfaction of the Town;
 - vi. Implementation of the recommendations contained within the Odour and Best Management Practices Report (Arcadis, June 2019) and associated peer review comments, to the satisfaction of the Town;
 - vii. Submission of appropriate securities, to the satisfaction of the Town.
- 3) That the subject lands be merged on-title with the abutting parcels as described below, prior to the granting of Site Plan Approval by the Town:
 - i. Thornbury Town Plan, Part Lots 16 to 18, North East King Street, Registered Plan 16R-9726, Part 8 (Roll No. 4242 000016062150000); and
 - ii. Town Plot 15 N/E King Street (Roll No. 4242 000016062200000).”

Seconded and Carried.

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A11- 2019 for the property legally described as Lot 2 to 3, Plan 440, in order to permit the construction of a new single detached dwelling, subject to the following conditions:

- 1) That the development be constructed in a manner substantially in accordance with the site sketch attached as Attachment #1; and
- 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 July 17, 2021.”

Seconded and Carried.

E. New and Unfinished Business:

E.1 LPAT Appeal A05-2019 (Decision)

F. Next Meeting Date: August 21, 2019

G. Adjournment

Moved by: Robert B. Waind

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