



Minutes

Committee of Adjustment

Meeting Date: September 11, 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. Member Morgan was absent. 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 September 11, 2019 be approved”. Carried

A.3 Declaration of Pecuniary Interest: None

A.4 Adoption of Previous Minutes

Moved by: Bill Remus Seconded.

“THAT the Minutes of August 21, 2019, be adopted, as amended.” 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. Consent (severance) Applications:

Nil.

D. Minor Variance Applications:

D.1 Application No: A16-2019
 Owners: Craigleith Ski Club Ltd.
 Agent: Kristine Loft, Loft Planning Inc.
 Legal Description: Collingwood Concession 3, Part Lots 19 to 21, Concession 4, Part
 Lots 20 and 21, Plan 634, Lots 54 to 57, Block B, Registered Plan
 16R-2210, Part Part 1, and Registered Plan 16R-2025, Part 1
 Civic Address: 218 Craigleith Road

Acting Chairman Waind 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.

The Committee requested an overview of the justification as to how the variance request meets the prescribed test of “minor” under the Planning Act. Ms. Loft responded that the test of “minor” must be considered in the specific context of an individual application and may not be determined on a numerical basis. In this case, the request pertains to a small portion of a building proposed to have a minor encroachment into the open space zone. The effect of the variance is to permit the issuance of a building permit for this building only, and will not permit additional “as-of-right” development permissions, as would be established through a site specific re-zoning application. Further to this, the test of “minor” must consider potential adverse impacts. In this case, there does not appear to be adverse impacts on neighbouring properties, nor on the escarpment slope, as the identified zone boundary appears to be arbitrary and does not follow a defined topographic contour or natural features. The proposed building location does not pose potential for adverse impact on the escarpment slope, visual impact on the escarpment, nor on neighbouring properties.

The Committee noted that the request did appear to be more than minor without considering the specific context of the application, and accepted the argument put forth by Ms. Loft. The Committee further noted that variance decisions are not precedent setting and must be considered on their own site-specific merit.

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.19.122.

Moved by: Bill Remus.

Seconded and Carried.

Motion:

Moved by: Bill Remus.

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A16-2019 in order to permit the construction of a 980m² building, with 149m² being located within the OS-48 zone, 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 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 September 11, 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.19.122.

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:	A17-2019
	Owners:	Primont
	Agent:	Krystin Rennie, Georgian Planning Solutions
	Legal Description:	Lots 71-78, Draft Plan 42T-94004
	Civic Address:	N/A

Acting Chairman Waind 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.

Krystin Rennie, Georgian Planning Solutions, was in attendance as the authorized agent of the owner/applicant. Ms. Rennie provided an overview of the application and the need for the minor variance request before the Committee of Adjustment. The Committee commented that greater care and consideration should be given in the preparation of Draft Plans of Subdivisions to prevent the need for zoning relief prior to the plan even being registered. Ms. Rennie clarified that the lands underwent site-specific re-zoning in the past, however, in the preparation of Comprehensive Zoning By-law 2018-65, those site specific permissions were not carried over for these lands. As such, the proposed variance would permit development on the lots that is consistent with the zoning standards applicable to the remainder of the plan of subdivision.

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

Motion to adopt the Planning Staff Report PDS.19.123.

Moved by: Bill Remus Seconded and Carried.

Motion:

Moved by: Bill Remus

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A17-2019 for the properties described as Lots 71-78, Draft Plan of Subdivision 42T-94004, in order to permit the creation of lots with reduced lot frontages, and to ultimately construct single detached dwellings on the lands with reduced side yard setbacks, 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 September 11, 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.19.123.

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:

Nil.

F. Next Meeting Date: October 16, 2019

G. Adjournment

Moved by:

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