Minutes
Committee of Adjustment

Meeting Date: November 20, 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 October 16, 2019 be approved, as revised to reflect Chairman Morgan’s absence”. Carried.

A.3 Declaration of Pecuniary Interest: None

A.4 Adoption of Previous Minutes

Moved by: Bill Remus

“THAT the Minutes of September 11, 2019, be adopted.” Defeated.

Motion Moved By: Robert Waind Seconded.

“THAT the Minutes of October 16, 2019, be revised to include the specific conditions imposed by the Committee in granting Consent Application B15-2019, and that the revised minutes be added to the December 18, 2019, meeting agenda for Committee review and adoption”. 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: A19-2019
Owners: Craigleith Ski Club
Agent: Kristine Loft, Loft Planning
Legal Description: 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-22120, Part 1, and Part 1, 16R-5025
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.

The applicant’s agent provided a brief overview of the application and noted that the requested height variance was not included in the previous minor variance application approved by the Committee for the proposed structure. The additional height is to account for snow pack during winter months and to provide even surface grades when the structure is in use by skiers.

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.19.145:

“THAT the Committee of Adjustment receive Staff Report PDS.19.145, entitled ‘A19-2019 – Craigleith Ski Club – Warming Hut (Height)’”;

Moved by: Bill Remus. Seconded and Carried.

Motion:

“AND THAT the Committee of Adjustment GRANT Minor Variance Application No. A19-2019 in order to permit the construction of an accessory structure (warming hut) on the subject lands with a maximum height of 6.0m, 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 November 20, 2021.”

Moved by: Bill Remus. Seconded and Carried.

D.2 Application No: A20-2019
Owners: 2712400 Ontario Limited
Agent: Michael Crabtree
Legal Description: Plan 442, Part Lots 36 and 37, Part Block B, Registered Plan 16R-7935, Part 1
Civic Address: 363 Sunset Boulevard

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.

Planning Staff Report PDS.19.146 recommended deferral of the application due to comments received from the Grey Sauble Conservation Authority with respect to additional shoreline investigation work being required prior to a Development Permit being issued for the proposed development. As such, the Committee discussed the matter of deferring a decision on the application prior to holding any discussions regarding the planning merit and formally opening the public meeting portion of the hearing. In considering the potential deferral of a decision on the file, the Committee asked the applicant for comment. The applicant provided an update on the status of on-going discussions with the Grey Sauble Conservation Authority and suggested that an “in-principle” approval from the Town for the reduced setbacks is needed in order to further the Conservation Authority review. As such, it was requested that the Committee proceed with a decision on the request today, so that the applicant can either proceed with completing the additional shoreline investigation works required by the C.A., or they can avoid unnecessary costs and pursue alternative designs for the property.

Motion Moved By: Bill Remus

“THAT the Committee of Adjustment receive Staff Report PDS.19.146, entitled ‘#A20-2019 -363 Sunset Boulevard (2712400 Ontario Limited)’;

AND THAT the Committee of Adjustment DEFER Minor Variance Application No. A20-2019 until such a time that all the requirements of the Grey Sauble Conservation Authority have been satisfied. Upon receipt of written confirmation of same from the Conservation Authority, the proposal may come back before Committee for deliberation.” Defeated.
It is noted that Town Planning Staff then provided a revised recommendation report providing an alternative recommendation for Committee consideration. It was noted by Staff that the revised recommendation report included a positive recommendation, subject to a specific condition requiring the applicant to obtain all necessary permits from the Grey Sauble Conservation Authority and was prepared to provide the Committee with further information if the deferral of the application was defeated. Committee briefly reviewed the revised report and then Acting Chairman Waind opened the public meeting for the application. As there were no persons in attendance to speak in favour of or in opposition to the variance, Acting Chairman Waind closed the public meeting.

The Committee then discussed the merit of the application and questioned Town Planning Staff about the provided recommendations. Planning Staff noted that in review of the application, it appears that the proposal may be able to satisfy the four tests of a minor variance, however, without confirmation that the lands will not be prone to flooding, erosion, and/or other water related hazards as a result of the variance, the intent of the Zoning By-law high-water setback is not clearly maintained. As such, Staff recommended deferral to allow the applicant to further their discussions with the Grey Sauble Conservation Authority and to confirm that appropriate floodproofing can be provided. However, as reflected in the revised recommendation report, should the Committee deem it appropriate to proceed with a decision on the matter, Staff strongly recommend including a specific condition requiring the applicant to obtain all appropriate permits form the Conservation Authority. While a Development Permit would be required for the development in any event, by including this as an explicit requirement of the variance, the zoning relief, if approved, would not come into full force and effect unless a Development Permit could be obtained. In adding an explicit condition of this nature, an extra layer of protection would be provided to ensure that if the Conservation Authority could not be satisfied, then the variance would never come into effect. The Committee then closed their deliberation on the matter and proceeded with a decision, as follows:

Motion to adopt the Planning Staff Report PDS.19.146 (REVISED):

“THAT the Committee of Adjustment receive Staff Report PDS.19.146 (REVISED), entitled ‘#A20-2019 -363 Sunset Boulevard (2712400 Ontario Limited)”;

Moved by: Bill Remus.   Seconded and Carried.

Motion:

“AND THAT the Committee of Adjustment GRANT Minor Variance Application No. A20-2019 for the property legally described as Plan 442, Part Lots 36 and 37, Part Block B, Registered Plan 16R-7035, Part 1, in order to permit a minimum setback of 7.1m for a covered deck and a swimming pool to the 177.9 GSC elevation, subject to the following conditions:

1. That the site development be constructed in a manner substantially in accordance with the site sketch attached as Attachment #1;
2. That the applicant obtains any permits required for the development from the Grey Sauble Conservation Authority;
3. 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, should a building permit has not been issued by the Town within two years, the variance shall expire on November 20, 2021.”

Moved by: Bill Remus. Seconded and Carried.

D.3 Application No: A22-2019
Owners: Donald Powers
Agent: Donald Powers
Legal Description: Plan 529, Part Lot 68, Lot 69, Plan 16R-3824, Parts 1 and 2
Civic Address: 229 Brophy’s Lane

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.

Planning Staff Report PDS.19.147 (REVISED) recommended deferral of the application due to comments received from the Grey Sauble Conservation Authority with respect to additional shoreline investigation work being required prior to a Development Permit being issued for the proposed development. It was further noted in the recommendation report that additional variances are required which have not been included in the application. The recommended deferral of the application would allow the applicant to continue discussions with the Grey Sauble Conservation Authority and to revise their application to include the additional variance.

As such, the Committee discussed the matter of deferring a decision on the application prior to holding any discussions regarding the planning merit and formally opening the public meeting portion of the hearing. The applicant nor their representative were in attendance. Given that additional variances are required for the proposed development, the Committee did not see value in reviewing the merits of the submission at this time.

Motion Moved By: Bill Remus Seconded and Carried.

“THAT the Committee of Adjustment receive Staff Report PDS.19.147 (REVISED), entitled ‘Minor Variance #A22-2019 – 229 Brophy’s Lane’;

AND THAT the Committee of Adjustment DEFER Minor Variance Application No. A22-2019 until such a time that all the requirements of the Grey Sauble Conservation Authority have been satisfied. Upon receipt of written confirmation of same from the Conservation Authority, the proposal may come back before Committee for deliberation. Deferral of the application will further allow the applicant sufficient time to revise the application to include the additional relief required from Section 4.33 of Zoning By-law 2018-65. Once these matters are resolved,
the application will require re-circulation, in accordance with the Planning Act, in order to provide proper public notice of the additional variance request”. Carried.

Members of the public were in attendance to speak to the application. It was reiterated by the Chairman that no public input was being heard at this time with respect to the application, as it has been deferred to a future meeting. The members of the public in attendance were further informed that they would receive Notice of the future hearing date, provided that they are within the 60m circulation distance.

E. New and Unfinished Business:

A new Committee Member, being Peter Franklyn, has been elected as Chairman Morgan’s permanent replacement on the Committee of Adjustment.

F. Next Meeting Date: December 18, 2019

G. Adjournment

Moved by: Bill Remus

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