



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of Adjustment
Meeting Date: April 17, 2024
Report Number: PDS.24.061
Title: Recommendation Report – Minor Variance File A14-2024 – 108 Springside Crescent (Dewulf)
Prepared by: David Riley, Principal, SGL Planning & Design Inc.
Sierra Horton, Planner, SGL Planning & Design Inc.

A. Recommendations

THAT the Committee of Adjustment receive Staff Report PDS.24.061, entitled “Recommendation Report – Minor Variance File A14-2024 – 108 Springside Crescent (Dewulf)”;

AND THAT the Committee of Adjustment GRANT a minor variance for A14-2024 subject to the following conditions:

1. That a maximum 48 square metre open air pergola be permitted at a total maximum lot coverage of 35%; and
2. This variance to the Zoning By-law is for the purpose of obtaining a building permit for the open air pergola and is only valid for a period of two (2) years from the date of decision. This variance shall expire on April 17, 2026.

B. Background

The subject lands are located at 108 Springside Crescent. The surrounding area is characterized by single detached dwellings in a new subdivision. A woodlot is located to the rear of the property to the west. The subject lands are approximately 745 square metres (0.18 acres) in size. A single detached dwelling currently exists on the property. The subject and surrounding lands are zoned R1-1-112, with Exception 112 relating to minimum lot frontage and minimum interior side yard setback for the main dwelling.

The owner wishes to construct an open-air pergola, a pool and a fence in the rear yard, as shown on **Figure 1**. The purpose of is application is to request a minor variance to subsection 6.2.1 of Zoning By-law 2018-65 in order to permit a maximum lot coverage of 35%, whereas a maximum lot coverage of 30% is permitted in the R1-1 Zone.

While the Notice of Public Hearing indicated side and rear yard lot line variances were requested to the Zoning By-law’s minimum setback of 1.2 metres for the accessory structure (pergola), these are not required. The revised site plan shown on **Figure 1** illustrates a 1.2-

metre setback from the side lot line. Additional discussion with the applicant has also confirmed the rear lot line shown on the proposed site plan (**Figure 1**) is actually not the rear lot line, but rather, it is a line that represents the 3-metre natural vegetation buffer from the rear lot line, as shown on the approved Zoning Review Plan (**Figure 2**). A fence is to be constructed along the 3-metre buffer line (**Figure 3**). Therefore, the rear yard setback of the pergola would exceed the minimum required setback of 1.2 metres, and is outside of the 3-metre natural vegetation buffer.

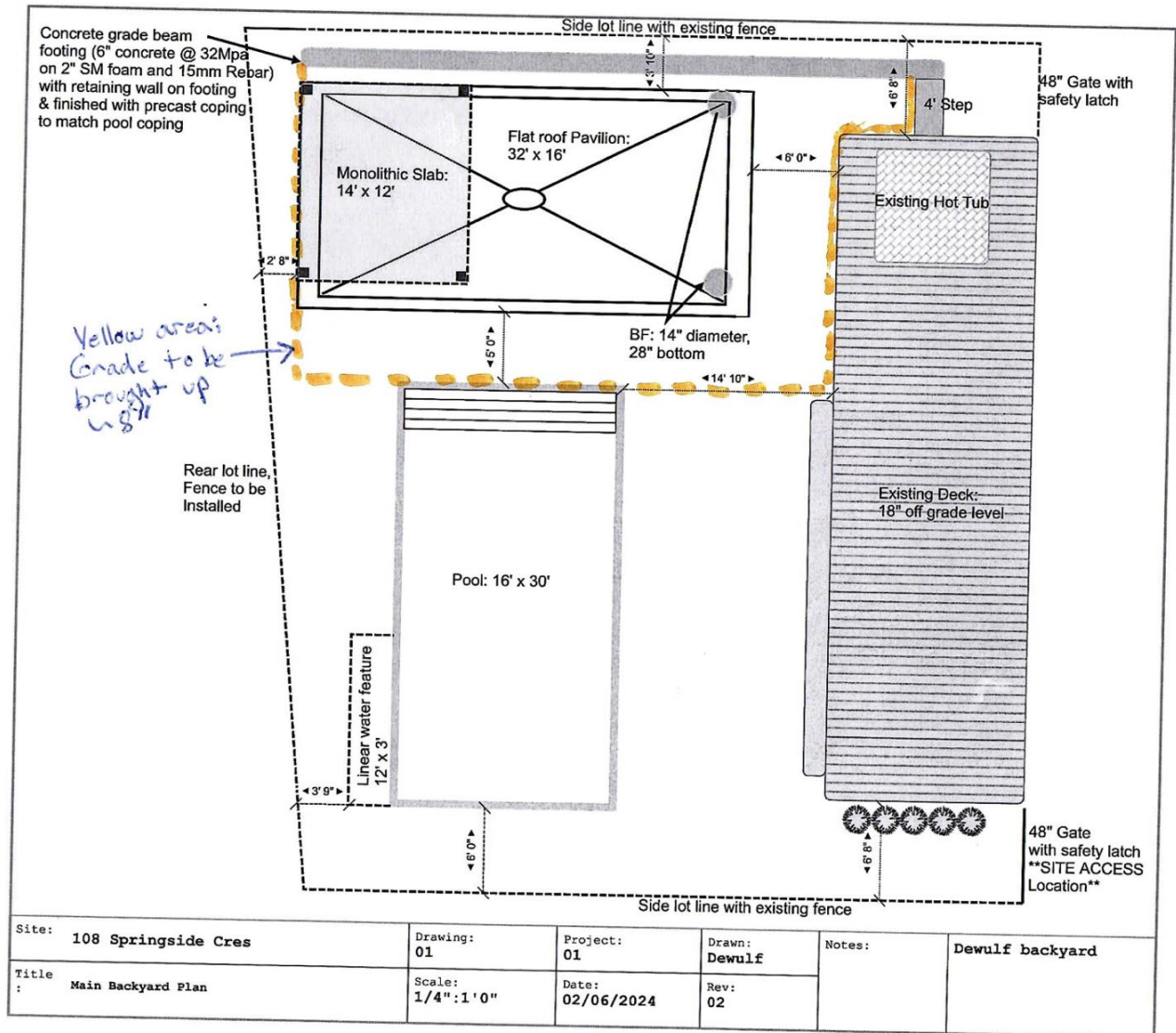


Figure 1: Proposed Site Plan

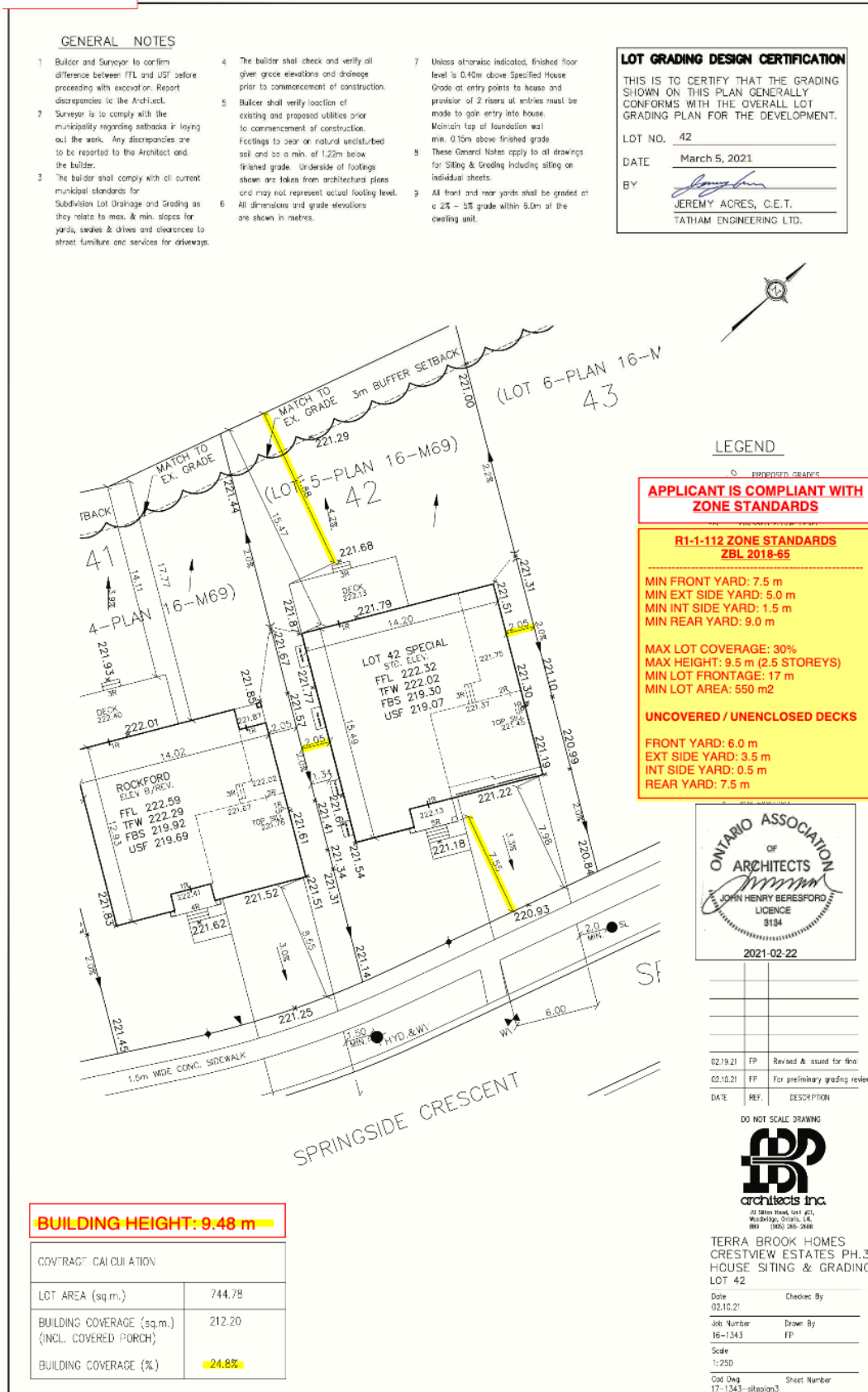


Figure 2. Zoning Review Plan

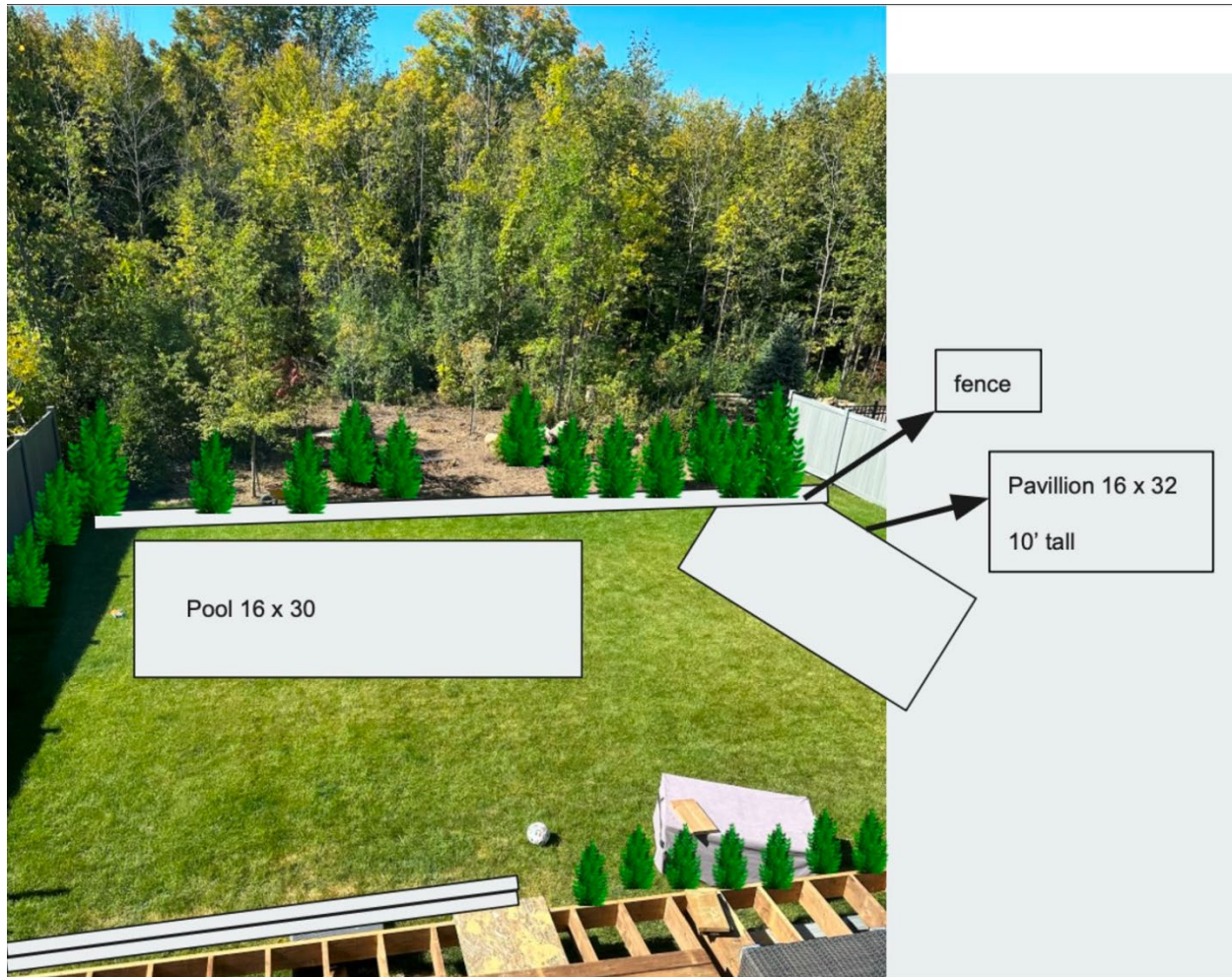


Figure 3. Rear Yard View Sketch

C. Analysis

Pursuant to Section 45(1) of the Planning Act, the Committee of Adjustment is authorized to grant minor variances to by-laws enacted by the Town which are established to implement the Official Plan. We have reviewed the proposal against the relevant planning documents, including the four tests of a minor variance, as outlined in the following section.

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject lands are designated Residential Recreational Area (RRA) in the 2016 Town of the Blue Mountains Official Plan. This land use designation was established to provide a mix of seasonal and permanent residential and recreational uses to provide access and support to resort and recreational amenities.

The proposed accessory structure supports the existing residential function of the subject property. Section B3.7.4 of the Official Plan states that generous amounts of open space shall be provided in the RRA designation to facilitate recreational opportunities, as well as maintain the open landscape character and image of the area. The proposed open air pergola is located

in the rear yard of the existing residential lot, is open on all four sides, backs onto a woodlot, and is not expected to have an impact on the open landscape character of the area.

We are therefore satisfied that the proposal maintains the general intent and purpose of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The subject lands are zoned 'R1-1-112' in the Town of the Blue Mountains Comprehensive Zoning By-law 2018-65. Permitted uses in the R1-1 Zone include single detached dwellings and accessory buildings and structures.

The R1-1 Zone permits a maximum lot coverage of 30%, which includes all buildings and structures but excludes in-ground pools and decks. The maximum lot coverage is proposed to be increased to 35% to permit the open-air pergola in the rear yard, which is a minor increase to the provision and not expected to impact the open space nature of the yard. Generally Planning Staff are not supportive of large increases to lot coverage, however this structure is open on all four sides lessening the coverage impacts. There is an existing fence along the north interior side yard lot line, addressing privacy concerns. The lot also backs onto a woodlot, where a fence is also proposed to be built, with no adjacent residential properties to the rear. In addition, a 3 metre buffer is identified along the rear lot line (See Figure 2) that prohibits any development or site alterations to help buffer the residential lands from the woodlot. Discrepancies in the original site plan drawing and future revisions show that the 3 metre buffer can be preserved and that the pergola as well as any fencing, swimming pool, decking, or other alterations are kept outside of the 3 metre buffer.

This variance only considers the increase in lot coverage for the open air pergola and does not consider the location or development of other uses or structures on the property. Except for the lot coverage requirement for the open air pergola, all uses, buildings and structures being proposed (including the pergola) must comply with the requirements of the Zoning By-law 2018-65.

The proposed pergola height of 3.05 metres is also below the maximum height of 4.5 metres for accessory structures.

We are satisfied that the proposal maintains the general intent and purpose of the Zoning By-law.

Is the proposal Minor in nature?

A variance may be considered "minor" where the scale of the request is marginal and the proposed relief will not result in a greater than minor adverse impact on adjacent properties, uses, or area.

The proposed 5% increase to maximum lot coverage is minor in nature. We are of the opinion that the proposed open-air pergola will not create any adverse impacts to the open space character of the surrounding lots.

We are satisfied that the reduction in maximum lot coverage, as well as minimum interior side yard and rear yard setback are minor in nature.

Is the proposal desirable for the development and use of the lands?

The owner has requested a minor variance to slightly increase maximum lot coverage, in order to maximize space in their backyard and additionally construct an in-ground pool. The pergola will enhance the owner's use of their backyard while not negatively impacting adjacent properties.

We are satisfied that the proposal is desirable for the development and use of the lands.

Based on the above comments, we are therefore satisfied that the proposal can meet all four tests for minor variance.

D. Attached

1. Draft Decision

Respectfully submitted,

David Riley,
Principal, SGL Planning & Design Inc.

Sierra Horton
Planner, SGL Planning & Design Inc.

For more information, please contact:

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**Town of The Blue Mountains
Committee of Adjustment
Decision**

In the matter of application for File No. **A14-2024** to consider a variance to the Town of The Blue Mountains Comprehensive Zoning By-law 2018-65, as amended.

Date of Hearing: April 17, 2024
Property Location: 108 Springside Crescent
Owner/ Applicant: David and Stephanie Dewulf
Purpose of Application:

The purpose of this application is to request a minor variance to subsection 6.2.1 of the Zoning By-law to permit:

1. A maximum lot coverage of 35% to accommodate a proposed 48 square metre open-air pergola, whereas a maximum lot coverage of 30% is required in the R1-1 Zone.

DECISION:

THAT the Committee of Adjustment GRANT Application A14-2024 to permit the construction of a pergola in the rear yard of the residential lot subject to the conditions of this decision.

Conditions and Reasons For Decision:

See Attached Schedule "A"

Robert B. Waind
Chairman

Michael Martin

Jim Oliver
Vice Chairman

Duncan McKinlay

Date of Decision: April 17, 2024

The last date for filing an appeal to the decision is May 7, 2024

CERTIFICATION

Planning Act, R.S.O. 1990, c.P13, Sec 45(10)

I, Carrie Fairley, Secretary-Treasurer of the Town of The Blue Mountains Committee of Adjustment, certify that the above is a true copy of the decision of the committee with respect to the application recorded therein.

Carrie Fairley, Secretary-Treasurer
Town of The Blue Mountains Committee of Adjustment
32 Mill Street, Thornbury, Ont., N0H 2P0

Dated: April 17, 2024



**Town of The Blue Mountains
Committee of Adjustment
Decision**

- Schedule A -

CONDITIONS:

1. That a maximum 48 square metre open air pergola be permitted at a total maximum lot coverage of 35%.
2. That this permission is for the purpose of obtaining a building permit and is only valid for a period of two (2) years from the date of decision. Should a building permit not be issued by the Town within two years, the permission shall expire on April 17, 2026.

REASON FOR DECISION:

The Committee has reviewed the request as it relates to the four tests for minor variance of S.45. (1) of the Planning Act, as noted in the Planning and Development Services Staff Report PDS 24.061.

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.

