



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of Adjustment
Meeting Date: April 17, 2024
Report Number: PDS.24.064
Title: Recommendation Report – Minor Variance File A17-2024 – 154 Courtland Crescent (Tulk)
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.24.064, entitled “Recommendation Report – Minor Variance A17-2024 – 154 Courtland Street (Tulk)”;

AND THAT the Committee of Adjustment GRANT a minor variance for A17-2024 subject to the following conditions:

1. That the development be constructed in a manner substantially in accordance with the submitted site plan and elevations; and
2. 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 (2) years from the date of decision. This variance shall expire on April 17, 2026.

B. Background

The subject lands are located at 154 Courtland Street. The surrounding area is characterized by low density dwellings in a new subdivision. The lands are approximately 523 square metres (0.13 acres) in size. A single detached dwelling and a detached garage in the rear yard currently exist on the lands.

The owner wishes to construct a covered pergola in the rear yard, as shown in **Figure 1** and **Figure 2** below.

The purpose of this application is to request a minor variance to subsection 4.3 (h) of Zoning By-law 2018-65 relating to accessory buildings, structures and uses to permit:

1. An interior side yard setback of 0.6 metres, whereas 1.2 metres is required for accessory buildings or structures located in a rear yard.

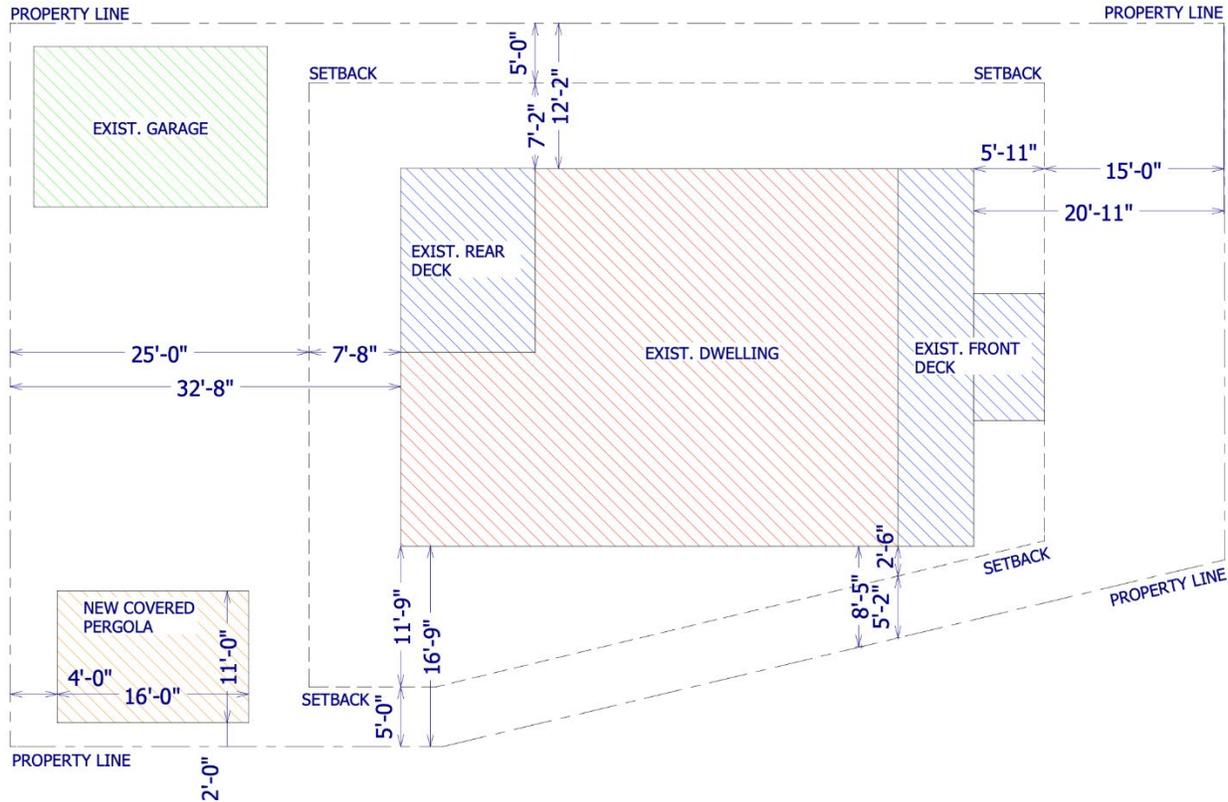


Figure 1. Proposed Site Plan

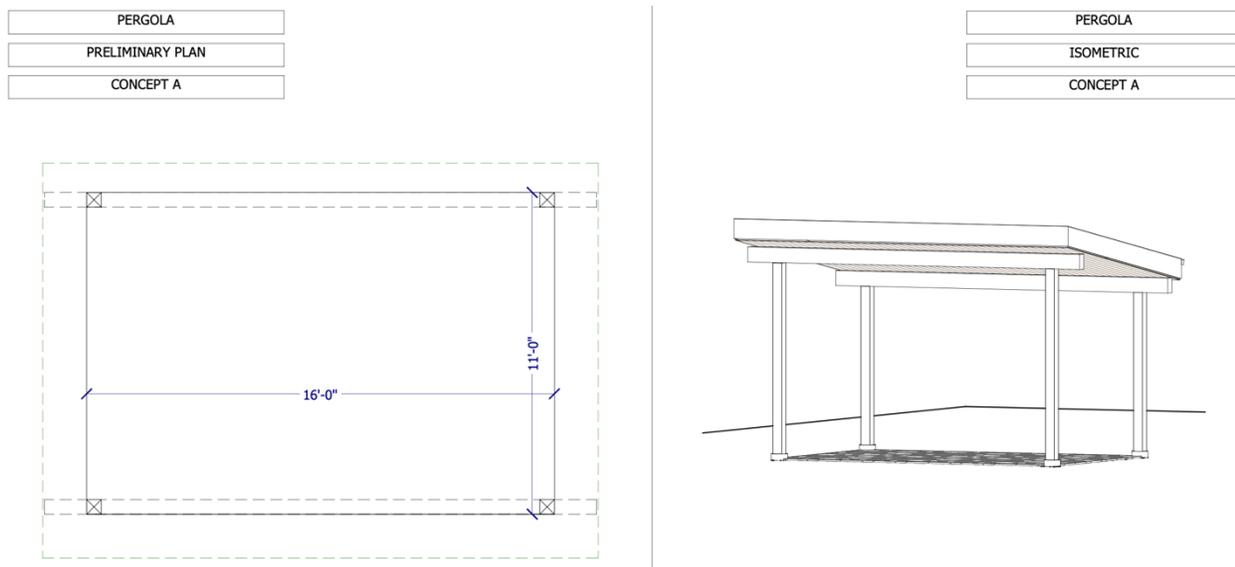


Figure 2. Pergola – Preliminary Plan

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. Staff 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 is 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 pergola is located in the rear yard of the existing residential lot and is not expected to have 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' 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. Accessory buildings, structures and uses are permitted in all zones, subject to subsection 4.3 of the Zoning By-law. The proposed pergola complies with all requirements for accessory structures of the Zoning By-law, except for the requested variance relating to interior side yard setback. The pergola conforms to the required rear yard setback of 1.2 metres and the maximum height of 4.5 metres.

Subsection 4.3 (h) requires accessory buildings or structures in a rear yard to be located no closer than 1.2 metres from the interior side lot line. An interior side yard setback of 0.6 metres is proposed, whereas 1.2 metres is required. The intent of the interior side yard setback for accessory structures is to ensure space and privacy is provided between adjacent lots. 0.6 metres of relief is requested for the open air pergola, which is not expected to negatively impact the adjacent properties.

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.

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 a 0.6 metre reduction in interior side yard setback is minor in nature.

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

The owner has requested a variance to the interior side yard setback for the pergola in order to maximize space in their backyard. The pergola will enhance the owner's use of their backyard.

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. **A17-2024** 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: 154 Courtland Street
Owner/ Applicant: Kevin Tulk
Purpose of Application:

The purpose of this application is to request a minor variance to subsection 4.3 (h) of the Zoning By-law to permit:

1. An accessory structure in a rear yard to be located 0.6 metres from the interior side lot line, whereas a minimum setback of 1.2 metres from the interior side lot line is required.

DECISION:

THAT the Committee of Adjustment GRANT Application A17-2024 to permit the construction of a pergola in the rear yard of the residential lot.

Conditions and Reasons For Decision:

See Attached Schedule "A"

Robert B. Waing
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 April 9, 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 the site development be constructed in a manner substantially in accordance with the submitted site plan; and
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 S.45. (2)(a)(i) of the Planning Act, as noted in the Planning and Development Services Staff Report PDS 24.048.

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.

APPLICANT'S SITE PLAN:

