



# Staff Report

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## Planning & Development Services – Planning Division

<b>Report To:</b>	<b>Committee of Adjustment</b>
<b>Meeting Date:</b>	April 17, 2024
<b>Report Number:</b>	PDS.24.065
<b>Title:</b>	Recommendation Report – Minor Variance File A18-2024 – Happy Valley Road (Waters and Morningstar)
<b>Prepared by:</b>	David Riley, Principal, SGL Planning & Design Inc. Sierra Horton, Planner, SGL Planning & Design Inc.

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### A. Recommendations

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THAT the Committee of Adjustment receive Staff Report PDS.24.065, entitled “Recommendation Report – Minor Variance A18-2024 – Concession 3, Part Lot 19 (Waters and Morningstar)”;

AND THAT the Committee of Adjustment GRANT a minor variance for A18-2024 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

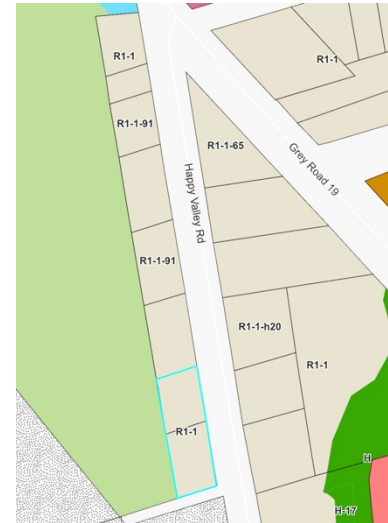
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The subject lands are located at Concession 3, Part Lot 19 (Happy Valley Road). Happy Valley Road is a dead-end street accessed from Grey Road 19 containing a mix of old cottage-style dwellings and newer single detached dwellings that have recently been built on previously vacant lots. The subject property backs onto a woodlot to the west, which separates it from the northern ski runs at Blue Mountain Village.

The property is currently vacant and is located adjacent to two new single detached dwellings on either side (**Figure 1**). The lands are approximately 691 square metres (0.17 acres) in size, with a frontage of 30.5 metres and a depth of 22.6 metres. The property is zoned Residential One ‘R1-1’ in the Town of The Blue Mountains Comprehensive Zoning By-law.



**Figure 1. Site and Area Context Map**



**Figure 2. Site Zoning**

The owner wishes to construct a new single detached dwelling. The dwelling is proposed to be a maximum of 9.5 metres in height, with a building footprint of approximately 1455 square feet. The proposed site plan is included as **Figure 3** below.

The purpose of this application is to request a minor variance to subsection 6.2.1 of Zoning By-law 2018-65 to permit:

1. A minimum front yard setback of 6 metres, whereas a minimum setback of 7.5 metres is required; and
2. A minimum rear yard setback of 2 metres, whereas a minimum setback of 9 metres is required.

The applicant is proposing the same front, rear and northerly interior side yard setbacks as the adjacent R1-1-91 Exception Zone of the properties to the north which permits:

1. A minimum front yard setback of 6 metres;
2. A minimum rear yard setback of 2 metres; and
3. A minimum northerly side yard setback of 8 metres.



## **C. Analysis**

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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. Single detached dwellings are permitted in the RRA designation.

The new single detached dwelling is proposed to be constructed on a vacant lot designated for residential development. The street contains a mix of old and new single detached dwellings of permanent and seasonal residency. The proposed setbacks are similar to those of the adjacent dwellings, which will provide for consistent separation distances along the street and between dwellings.

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. Single detached dwellings are permitted in the R1-1 Zone. Minor variances are requested to subsection 6.2.1 to permit:

1. A minimum front yard setback of 6 metres, whereas a minimum setback of 7.5 metres is required; and
2. A minimum rear yard setback of 2 metres, whereas a minimum setback of 9 metres is required.

The proposed front and rear yard setbacks are the same as the adjacent group of properties to the north zoned R1-1-91 Exception Zone. The R1-1-91 Exception Zone also requires a minimum northerly side yard setback of 8 metres, whereas the R1-1 Zone permits a side yard setback of 2 metres. While a variance for side yard setback is not required, the applicant is still proposing a side yard setback of 8 metres to ensure consistency with the way in which new dwellings have been located on lots along the street.

Due to the nature of the subject property, particularly its depth, the R1-1 Zone required front and rear yard setbacks would result in a restrictive buildable area to accommodate the dwelling and required parking spaces within the footprint of the building. According to the applicant, the proportions of the buildable area dictate an unsuitable location of the septic, forcing it to be located in the rear yard, which is the steepest, highest area of the lot. The most suitable septic

location both for access and function if at the low end of the site, within the northerly interior side yard (consistent with the septic locations of the adjacent lots zoned R1-1-91). The required R1-1 rear yard setback also limits the ability to increase the distance between the front lot line and the front of the dwelling, to ensure safe and permissible grading of slopes on the driveway and at the entrance to the dwelling.

Overall, the proposed minor variances are consistent with those of the adjacent R1-1-91 Zone and will ensure the dwelling is setback in a consistent manner to other development along the street.

We are therefore 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 variances will help ensure the proposed development is consistent with how other residential lots have developed along the street, which will reduce impacts to the adjacent properties. The variances will also ensure the septic system is located in the most appropriate location for the site, consistent with surrounding development.

We are therefore satisfied that this proposal is minor in nature.

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

The proposed variances will help ensure the proposed development is consistent with how other residential lots have developed along the street, which will reduce impacts to the adjacent properties. The variances will also ensure the septic system is located in the most appropriate location for the site, consistent with surrounding development.

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

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

**D. Attached**

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1. Draft Decision

Respectfully submitted,

David Riley,

Principal, SGL Planning & Design Inc.

Sierra Horton  
Planner, SGL Planning & Design Inc.

For more information, please contact:  
David Riley  
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**Town of The Blue Mountains  
Committee of Adjustment  
Decision**

In the matter of application for File No. **A18-2024** 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:** Concession 3, Part Lot 19 (Happy Valley Road)  
**Owner/ Applicant:** Mark Waters & Mary Morningstar  
**Purpose of Application:**

The purpose of this application is to request a minor variance to subsection 6.1.2 of the Zoning By-law to permit:

1. A minimum front yard setback of 6.0 metres, whereas a minimum setback of 7.5 metres is required; and
2. A minimum rear yard setback of 2.0 metres, whereas a minimum setback of 9.0 metres is required.

**DECISION:**

THAT the Committee of Adjustment GRANT Application A18-2024 to permit the construction of a new single detached dwelling.

Conditions and Reasons For Decision:

***See Attached Schedule "A"***

_____ Robert B. Waind Chairman	_____ Michael Martin	_____ Jim Oliver Vice Chairman	_____ Duncan McKinlay
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**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.

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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 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.

APPLICANT'S SITE PLAN:

