



# Staff Report

## Planning & Development Services – Planning Division

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**Report To:** Committee of Adjustment  
**Meeting Date:** July 17, 2024  
**Report Number:** PDS.24.113  
**Title:** Recommendation Report – Application A30-2024 – 147 Hoover Lane (Dzulynski and Mojsiak)  
**Prepared by:** Carter Triana, Intermediate Planner

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### A. Recommendations

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THAT the Committee of Adjustment receive Staff Report PDS.24. 113, entitled “Recommendation Report –Application A30-2024 – 147 Hoover Lane (Dzulynsky and Mojsiak)”;

AND THAT the Committee of Adjustment GRANT Application A30-2024 to permit the construction of an attached garage and covered patio within the required front yard setback and encroaching into a Hazard zone, subject to the following conditions:

1. That a permit is obtained from the Grey Sauble Conservation Authority, if deemed to be required by the Conservation Authority.
2. That the site development be constructed in a manner substantially in accordance with the submitted site plan; and
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 (2) years from the date of decision. Should a building permit not be issued by the Town within two years, the variance shall expire on July 17, 2026.

### B. Background

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The owner wishes to construct an attached garage containing an additional residential unit (ARU) above the garage and a covered patio as part of the construction of a new single detached dwelling.

Variances were previously approved by the Committee of Adjustment in April to permit reduced rear and front yard setbacks (File A16-2024). The Committee denied variances related to a detached garage containing an ARU above the garage due to commentary from the Grey Sauble Conservation Authority and the Niagara Escarpment Commission. The applicant was advised to modify their proposal and has submitted the subject application as a revision.

It is noted that the current proposal is consistent with the policies of the Niagara Escarpment Plan related to ARUs.

It is further noted that the proposed patio and attached garage are located partially within the Hazard zone. As such, a variance to permit the encroachment of the proposed patio and garage within the Hazard zone is required as buildings and structures are not permitted in this zone. This variance was not reflected in the circulated notice, but the effect of the application remains the same. As such, analysis and a recommendation regarding this variance is included within this report and in the attached draft decision.

Additional background on the subject lands can be found in [PDS.24.062](#).

### **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' and Hazard 'H' in the 2016 Town of the Blue Mountains Official Plan. The Residential Recreational Area designation is established to recognize areas within the Town where there is a mix of seasonal and permanent residential and recreational uses that support and provide access to resort and recreational amenities. Single detached dwellings and ARUs are permitted in the RRA designation. The Hazard designation generally does not permit buildings or structures.

The front lot line of the subject lands, as defined under the Zoning By-law, is located along Camperdown Road, although the property is accessed from Hoover Lane, a private laneway. It is further noted that Camperdown Road ends at Georgian Bay along the east side of the subject lands. In consideration that no other residential uses are located to the east of the subject property, the proposed encroachments of the patio and attached garage into the required front yard are not anticipated to impact the existing character of the area. Vegetation along Camperdown Road will also provide visual screening of the proposed development when viewed from the road.

The location of the proposed patio and attached garage within the Hazard designation may be supported, provided positive comments are received from the Grey Sauble Conservation Authority. The Town generally defers to GSCA regarding natural Hazards and as such, if the proposal is supported by GSCA, it can be considered to maintain the intent and purpose of the Official Plan.

Planning Staff are therefore satisfied that the proposal maintains the general intent and purpose of the Official Plan, provided positive comments are received from GSCA.

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

The subject lands are zoned Residential One 'R1-1' and Hazard 'H' 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 ARUs. Buildings and structures are not permitted in the H zone.

The intent of the front yard setbacks standard is to ensure that buildings are located far enough away from the front lot line to preserve sightlines and the existing character of the area. As discussed above, the definition of the lot lines of the subject property is unique. In addition, existing vegetation along Camperdown Road will further screen the proposed development from the road. As such, the proposed encroachment of the patio and attached garage is not anticipated to impact sightlines or the character of the area.

The intent of the Hazard zone is to avoid adverse impacts on property due to natural hazard features. As indicated above, provided positive comments are received from the Grey Sauble Conservation Authority, the proposed encroachment of the patio and attached garage may be supported.

Planning Staff 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. As discussed above, the proposed development is not anticipated to impact surrounding properties as the subject lands are located along a road that ends at Georgian Bay. Planning Staff are satisfied that this proposal is minor in nature, provided positive comments are received from the Grey Sauble Conservation Authority.

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

The proposal would provide additional storage space for vehicles and other property, additional amenity space on a covered patio, and an ARU. It is noted that the Town is currently facing a housing shortage and ARUs are an important tool to increase housing supply on existing residential lots. Planning Staff are satisfied that the proposal is desirable for the development and use of the lands.

Based on the above comments, and provided positive comments are received from the Grey Sauble Conservation Authority, Planning Staff are satisfied that the proposal can meet all four tests for minor variance.

**D. Attached**

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1. Draft Decision

Respectfully submitted,

Carter Triana  
Intermediate Planner

For more information, please contact:

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519-599-3131 extension 262

**Report Approval Details**

Document Title:	PDS.24.113 Recommendation Report - Application A30-2024 - 147 Hoover Lane (Dzulynsky and Mojsiak).docx
Attachments:	- A30-2024 Draft Decision.pdf
Final Approval Date:	Jul 10, 2024

This report and all of its attachments were approved and signed as outlined below:

**Shawn Postma - Jul 10, 2024 - 3:10 PM**



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

In the matter of application for File No. **A30-2024** to consider a variance to the Town of The Blue Mountains Comprehensive Zoning By-law 2018-65, as amended.

**Date of Hearing:** July 17, 2024  
**Property Location:** 147 Hoover Lane  
**Owner/ Applicant:** Dzulynsky and Mojsiak  
**Purpose of Application:**

The purpose of this application is to request a minor variance to Sections 4.13, 6.2, and 8.1 of the Zoning By-law to permit:

- 1. A covered patio to be located 2.1 metres from the front lot line, whereas 6.0 metres is required;
- 2. An attached garage to be located 3.01 metres from the front lot line, whereas 7.5 metres is required; and
- 3. A covered patio and attached garage to be located partially within the Hazard zone.

**DECISION:**

THAT the Committee of Adjustment GRANT Application **A30-2024** to permit the construction of an attached garage and covered patio within the required front yard setback and encroaching into a Hazard zone.

Conditions and Reasons For Decision:

***See Attached Schedule “A”***

Robert B. Waind Chairman	Jim Oliver Vice Chairman	Michael Martin	Jan Pratt	Duncan McKinlay
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**Date of Decision:** July 17, 2024

**\*The last date for filing an appeal to the decision is August 6, 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: July 17, 2024



Town of The Blue Mountains  
Committee of Adjustment  
Decision

- Schedule A -

CONDITIONS:

1.

That a permit is obtained from the Grey Sauble Conservation Authority, if deemed to be required by the Conservation Authority.
2.

That the site development be constructed in a manner substantially in accordance with the submitted site plan; and
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 (2) years from the date of decision. Should a building permit not be issued by the Town within two years, the variance shall expire on July 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.24.113.

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:

