



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of Adjustment
Meeting Date: July 17, 2024
Report Number: PDS.24.111
Title: Recommendation Report – Application A28-2024 – 221 Craigleith Road (Sims)
Prepared by: Carter Triana, Intermediate Planner

A. Recommendations

THAT the Committee of Adjustment receive Staff Report PDS.24. 111, entitled “Recommendation Report –Application A28-2024 – 221 Craigleith Road (Sims)”;

AND THAT the Committee of Adjustment GRANT Application A28-2024 to permit the construction of retaining walls within the front yard, subject to the following 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 July 17, 2026.

B. Background

The subject lands are located at 221 Craigleith Road, adjacent to 217 and 223 Craigleith Road to the south and north, respectively, and 106 Wyandot Court to the east. The lands are approximately 1433 square metres in size. A single detached dwelling is currently being constructed on the lands but has not yet been granted occupancy by the Town.

The owner wishes to construct retaining walls with a maximum height of approximately 3 metres closer to the front lot line than the main building. It is noted that the proposed retaining walls will ensure compliance with the approved grading plan for the lot.

A building permit was approved for the dwelling August 2022 and zoning, including height and setback standards, was reviewed based on the site and grading plans submitted with that application. These plans, including the proposed retaining walls, are the same as those that have been submitted as part of the subject application. The retaining walls were not reviewed for zoning compliance at the time of building permit for the dwelling as they were indicated to be completed by others. Building Services received a request to review the proposed

landscaping as it related to the approved grading plan and indicated to the applicant that the retaining walls were not in compliance with zoning and would require a minor variance to permit their construction. As such, the applicant has submitted a minor variance application to permit the construction of the retaining walls, in accordance with the approved grading 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 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. Permitted uses include single detached dwellings and accessory buildings or structures.

The proposal would ensure compliance with the approved grading plan and would have a negligible impact on the existing character of the surrounding area as the retaining walls would be located with substantial setbacks from the front lot line in excess of what is required for the main building in the R1-1 zone.

Planning Staff 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 Residential One '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.

When a retaining wall is greater than 1.0 metre in height, it is considered an accessory structure under the Zoning By-law and is required to comply with the provisions applicable to accessory buildings and structures as outlined in Section 4.3 of the Zoning By-law. Section 4.3(d) requires accessory buildings and structures to be located no closer to the front lot line than the main building. The intent of this provision is to ensure that the main building remains the primary building or structure on the property to ensure compatibility with the existing character of the area. As the proposed retaining walls are proposed to ensure compliance with the approved grading plan for the area and in consideration that they will be located approximately 8.65 metres from the front lot line at their closest point, the retaining walls are not expected to impact the character of the area.

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. The proposal will ensure compliance with the approved grading plan for the lot to mitigate impacts of development on adjacent properties. As such, Planning Staff are satisfied that this proposal is minor in nature.

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

The proposal will allow for the development of an existing building lot in compliance with an approved grading plan. Planning Staff are satisfied that the proposal is desirable for the development and use of the lands.

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

D. Attached

1. Draft Decision

Respectfully submitted,

Carter Triana
Intermediate Planner

For more information, please contact:
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Report Approval Details

Document Title:	PDS.24.111 Recommendation Report - Application A28-2024 - 221 Craigleith Road (Sims).docx
Attachments:	- A28-2024 Draft Decision - 221 Cragileith Road.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 - 2:55 PM



Town of The Blue Mountains
Committee of Adjustment
Decision

In the matter of application for File No. **A28-2024** 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: 221 Craigleith Road
Owner/ Applicant: Sims
Purpose of Application:

The purpose of this application is to request a minor variance to Section 4.3(d) of the Zoning By-law to permit the construction of retaining walls with a maximum height of 3.0 metres to be located closer to the front lot line than the main building.

DECISION:

THAT the Committee of Adjustment GRANT Application **A28-2024** to permit the construction of retaining walls within the front yard.

Conditions and Reasons For Decision:

See Attached Schedule “A”

Robert B. Waind	Jim Oliver	Michael Martin	Jan Pratt	Duncan McKinlay
Chairman	Vice Chairman			

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 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 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.24.111.

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:

