



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of Adjustment
Meeting Date: July 17, 2024
Report Number: PDS.24.110
Title: Recommendation Report – Application A27-2024 – 176 Blueski George (Campbell and Wilton)
Prepared by: Carter Triana, Intermediate Planner

A. Recommendations

THAT the Committee of Adjustment receive Staff Report PDS.24.110, entitled “Recommendation Report – Application A27-2024 – 176 Blueski George (Campbell and Wilton)”;

AND THAT the Committee of Adjustment GRANT Application A27-2024 to permit the construction of a covered pergola and an open-air pergola, 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

The subject lands are located at 176 Blueski George Crescent, adjacent to 174 Blueski George Crescent to the north, 180 Blueski George Crescent to the south, and hazard lands to the west. The lands are approximately 1780 square metres in size. A single detached dwelling and several accessory buildings and structures (pool house, gazebo, pergola) currently exist on the lands.

The owner wishes to replace an existing approximately 10 square metre pool house with an approximately 20.5 square metre covered pergola and to construct an approximately 15.6 square metre open-air pergola within the Hazard zone.

It is noted that the notice that was circulated for the subject application incorrectly listed the size of the existing pool house as 108 square metres and the proposed size of the covered

pergola as 127.3 square metres. The correct sizes of these structures are listed in the preceding paragraph.

C. Analysis

Expansion of Non-Conforming Structure

Section 45(2) of the Planning Act outlines powers of the Committee of Adjustment distinct from those for granting minor variances. Under this section, and clarified through existing case law, the Committee of Adjustment may grant expansions to legal non-conforming buildings, structures, and uses provided the change does not result in undue adverse impacts to the surrounding neighbourhood and is desirable for the development and use of the lands. This type of request is not beholden to the four tests of minor variance.

The analysis in this section relates to the proposed demolition and replacement of the existing pool house accessory structure with a new covered pergola accessory structure.

Will the proposal result in undue adverse impacts to the surrounding neighbourhood?

The Town relies on review and commentary from the Grey Sauble Conservation Authority when development is proposed in or near a hazard feature. As the proposed development is located in accordance with applicable setbacks, provided positive comments are received from the Conservation Authority, Planning Staff are satisfied that the proposal will not result in undue adverse impacts to the surrounding neighbourhood.

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

The proposal will provide additional outdoor amenity space for the owner of the subject lands and will be located in accordance with the relevant setbacks for accessory buildings and structures. Provided positive comments are received from the Grey Sauble Conservation Authority regarding the slope hazard feature on the subject lands, Planning Staff are satisfied that the proposal can be considered desirable for the development and use of the lands.

Minor Variance to Permit Accessory Structure in Hazard Zone

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 proposed development is located within the Hazard designation. This land use designation is established to identify lands having inherent environmental hazards related to flooding, erosion, and dynamic beaches, among others.

In this case, the hazard present on the subject lands is related to a slope at the rear of the property. A Slope Stability Inspection was prepared by Greenland International Consulting Ltd.,

reviewed by Green Geotechnical Ltd., and submitted as part of this application. The findings of the report indicate that there is a low risk of slope instability and that the proposed development is not expected to impact the stability of the slope.

Provided positive comments are received from the Grey Sauble Conservation Authority following their review of the application, Planning Staff are 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' and Hazard 'H' in the Town of the Blue Mountains Comprehensive Zoning By-law 2018-65. The proposed development is located within the H zone on the subject lands. Permitted uses in the H zone include agricultural and conservation uses and parks, excluding buildings or structures. The purpose of the H zone is to identify potential natural hazards and direct development outside of those areas to avoid undue adverse impacts to the development.

It is noted that a large portion of the subject property is zoned hazard and development is therefore limited on the property to outside of the hazard area. The Town generally defers to the relevant Conservation Authority regarding proposed development within hazard lands. As such, provided positive comments are received and a permit is obtained, if necessary, from the Grey Sauble Conservation Authority, 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 is anticipated to have minimal to no impact on adjacent properties as the proposed development is located in accordance with the standards applicable to accessory buildings and structures and a variance is only required due to its location within the Hazard zone.

Provided positive comments are received from the Grey Sauble Conservation Authority, 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 would provide additional outdoor amenities for the subject property. Provided positive comments are received from the Grey Sauble Conservation Authority, 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, provided positive comments are received from the Grey Sauble Conservation Authority.

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.24.110 Recommendation Report - Application A27-2024 - 176 Blueski George (Campbell and Wilton).docx
Attachments:	- A27-2024 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 - 3:24 PM



Town of The Blue Mountains
Committee of Adjustment
Decision

In the matter of application for File No. **A27-2024** to consider a variance to the Town of The Blue Mountains Comprehensive Zoning By-law 2018-65, as amended and permission to expand a non-conforming structure.

Date of Hearing: July 17, 2024
Property Location: 176 Blueski George Crescent
Owner/ Applicant: Campbell and Wilton
Purpose of Application:

The purpose of this application is to request permission for the expansion of a non-conforming structure to permit:

- 1. An existing 10 square metre structure within the Hazard zone to be expanded to 20.5 square metres.

The application also requests a minor variance to Section 8.1 of the Zoning By-law to permit:

- 1. An approximately 15.6 square metre open-air pergola to be located within the Hazard zone.

DECISION:

THAT the Committee of Adjustment GRANT Application **A27-2024** to permit the construction of a covered pergola and an open-air pergola.

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 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) and S.45. (2)(a)(i) of the Planning Act, as noted in the Planning and Development Services Staff Report PDS.24.110.

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:

