



# Staff Report

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## Planning & Development Services – Planning Division

**Report To:** Committee of Adjustment  
**Meeting Date:** September 18, 2024  
**Report Number:** PDS.24.121  
**Title:** Recommendation Report – Minor Variance A34-2024 – 145 Hoover Lane (Dubczak)  
**Prepared by:** Manuel Rivera, Planner I

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### A. Recommendations

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THAT the Committee of Adjustment receive Staff Report PDS.24.121, entitled “Recommendation Report – Minor Variance A34-2024 – 145 Hoover Lane (Dubczak);

AND THAT the Committee of Adjustment GRANT a minor variance for A34-2024 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 a permit is obtained from the Ministry of Transportation Ontario for building and land use;
3. That the site development be constructed in a manner substantially in accordance with the submitted site plan;
4. 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 within two years, the variance shall expire on September 18, 2026.

### B. Background

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The subject lands are located at 145 Hoover Lane, adjacent to Georgian Bay to the North and residential uses throughout in all other directions. Hoover Lane is a private laneway that passes through the subject lands. The lands are approximately 6,798.9 square metres (1.68 acres) in size. A single detached dwelling located is on the north of the subject lands and a two-storey detached garage on the south. It is noted that a significant portion of the property is regulated by Grey Sauble Conversation Authority (GSCA) under O.Reg 151/06. The subject lands are connected to municipal water and privately service for sanitary.

The subject lands are unique in that the lot shape has a small portion that fronts onto Camperdown Road directing the front lot line to the easterly property line. The westerly property line technically becomes the rear lot line, however functionally acts as an interior side

lot line. The existing dwelling includes a covered verandah where a number of the new additions are proposed therefore not encroaching any further into the setbacks than what exists for the verandah. The proposed additions are intended to provide additional living space within the existing dwelling. Variances are required for

- 1) A first floor and second floor addition located 4.91 metres from the easterly side lot line.
- 2) A first floor screen room addition located 2.64 metres from the easterly side lot line.
- 3) A second floor addition located 5.29 metres from the westerly rear lot line.

It is noted that the required easterly side lot line setback requirement is 7.5 metres and that the required westerly rear lot line setback is 9.0 metres. Similar lots in the area within the Residential R1-1 Zone require side yard setbacks of 2.0 metres.

The subject lands previously applied for a minor variance (A05-2024) on January 17, 2024, to convert the second floor of the existing detached garage to an accessory apartment unit. The variance was approved and established a new interior side yard of 3 metres for the building, as well as allowing the building to be located in the front yard and at a maximum height of 6.0 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) and Hazard (H) in the 2016 Town of the Blue Mountains Official Plan. The proposed additions are in the northern portion of the subject lands of the RRA designation. This designation recognizes areas within the Town that contain a mixture of seasonal and permanent residential development that support and provide access to resort and recreational amenities (B3.7.1). Single detached dwellings are permitted uses in the RRA designation (B3.7.3).

The proposed additions would be expanding the building footprint on the subject lands. As the main building is existing, the character of the neighborhood does not appear to be adversely impacted by the proposal.

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 Development (D) in the Town of the Blue Mountains Comprehensive Zoning By-law (ZBL) 2018-65. Section 1.5(g) of ZBL 2018-65 states that the

provisions of the Township of Collingwood ZBL 83-40 shall apply to properties within this zone. It was noted in application A05-2024 that properties that are under the Development D zone under the current ZBL are generally identified for future development which will result in residential intensification of the lands. The subject property falls under Township of Collingwood ZBL 83-40, under which subject property is zoned as Rural Estate Residential (RERa) which the proposed additions is located in.

The previous application also recognized that the subject property has unique boundaries. The variances that have been requested include a reduction from the rear yard setback from 9 metres to 5.29 metres and the interior side yard setback from 7.5 metres to 2.64 metres from the RERa lot provisions in Schedule "AA" from the Township of Collingwood ZBL 83-40. The variance reductions will increase the building footprint along with an increase in gross floor area. Planning Staff has reviewed the variances and are of the opinion that the conversion of the existing verandah to a building addition, as well as the existing and proposed built form are appropriate for the subject lands. In addition, the proposal remains compliant with minimum lot coverage by maintaining 10 percent and the proposed height being under the maximum height of 9.5 metres.

Planning Staff is 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 building additions remain in character with the existing home and surrounding dwellings, maintain consistent setbacks to other homes in the area and therefore the the proposal is not anticipated to have an adverse impact of the adjacent properties.

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 of the development is maintaining the character of the surrounding and adjacent lands.. Therefore, Planning Staff are satisfied that the proposal is desirable for the development and use of the lands.

#### **Additional Comments**

It is noted that the subject lands are located adjacent to Georgian Bay and that a Hazard area exists along the shoreline. Two of the proposed additions are located along the shoreline that should receive clearance from the Conservation Authority. Provided that favourable comments are received from Grey Sauble Conservation Authority, Planning Staff have no further concerns. A Condition has been added to require appropriate sign off from the Conservation Authority if a Development Permit is required.

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

## **D. Attached**

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1. Draft Decision

Respectfully submitted,

Manuel Rivera  
Planner I

For more information, please contact:

Manuel Rivera  
[planning@thebluemountains.ca](mailto:planning@thebluemountains.ca)  
519-599-3131 extension 308

**Report Approval Details**

Document Title:	PDS.24.121 Recommendation Report - Minor Variance A34-2024 - 145 Hoover Lane (Dubczak).docx
Attachments:	- A34-2024 Draft Decision.docx
Final Approval Date:	Sep 12, 2024

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

**Shawn Postma - Sep 12, 2024 - 12:48 PM**



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

In the matter of application for File No. **A34-2024** to consider a variance to the Town of The Blue Mountains Comprehensive Zoning By-law 2018-65, as amended.

**Date of Hearing:** September 18, 2024

**Property Location:** 145 Hoover Lane

**Owner/ Applicant:** Dubczak

**Purpose of Application:**

The purpose of this application is to permit the construction of new additions on to the main building which will increase the building footprint along with the first and second gross floor areas.

**DECISION:**

THAT the Committee of Adjustment GRANT Minor Variance A34-2024 to permit the construction of new additions to main building in a Rural Estate Residential (RERa) lot standards in Schedule "AA" of the Zoning By-law to permit:

- 1) A first floor and second floor addition located 4.91 metres from the easterly side lot line.
- 2) A first floor screen room addition located 2.64 metres from the easterly side lot line.
- 3) A second floor addition located 5.29 metres from the westerly rear lot line.

Conditions and Reasons For Decision:

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

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Robert B. Waind  
Chair

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Jim Oliver  
Vice Chair

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Michael Martin

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Jan Pratt

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Duncan McKinlay

**Date of Decision:** September 18, 2024

**\*The last date for filing an appeal to the decision is October 8, 2024\***

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**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, Signature of Secretary-Treasurer

Town of The Blue Mountains Committee of Adjustment

32 Mill Street, Thornbury, Ont., N0H 2P0

Dated: September 18, 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 a permit is obtained from the Ministry of Transportation Ontario for building and land use;
3. That the site development be constructed in a manner substantially in accordance with the submitted site plan;
4. 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 within two years, the variance shall expire on September 18, 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.24.121.

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:

