



# Staff Report

## Planning & Development Services – Planning Division

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**Report To:** Committee of Adjustment  
**Meeting Date:** October 16, 2024  
**Report Number:** PDS.24.130  
**Title:** Recommendation Report – Minor Variance A35-2024 – 121 Stoneleigh Drive (Pigat and Muccilli)  
**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.24.130, entitled “Recommendation Report – Minor Variance A35-2024 – 121 Stoneleigh Drive (Pigat and Muccilli);

AND THAT the Committee of Adjustment GRANT a minor variance for A35-2024 subject to the following conditions:

1. That the site development be constructed in a manner substantially in accordance with the submitted site plan;
2. 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 October 16, 2026.

### B. Background

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The subject lands are located at 121 Stoneleigh Drive, adjacent are residential properties to the north, east and west and walking path to the south. The lands are approximately 828.09 square metres (0.2 acres) in size with lot frontage of approximately 17.54 metres. The subject property contains an existing 197 square metres detached dwelling with an attached 35 square metres loggia on the rear of the main building. The subject lands are connected to municipal water and wastewater services that the Town has not yet assumed.

The owner proposes to construct a 39.4 square metre cabana that is located on southeast corner of the of the lot. In addition, the property will have an inground vinyl pool along with landscaping in the easterly interior side and rear yards that will enhance the quality of living for the residents of the property.

A variance is requested for the following:

1. A reduction from an interior side yard from 1.2 metres to 0.6 metres to permit an accessory building the interior side lot line to be located on the interior side lot line.
2. Increase of maximum lot coverage from 30 % to 32.8 %

## **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 as Residential Recreational Area (RRA) in the Town of the Blue Mountains Official Plan. This land use designation recognizes areas within the Town where there is a mix of seasonal and permanent residences that will 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 cabana will be a subordinate building to the existing main building, it will maintain the resort character and image of the neighbourhood. In addition, the proposed site plan drawing does indicate vegetation and fencing will be along the rear yard of the property. This will create privacy and separation between the subject property and neighboring properties.

Therefore, Planning Staff are satisfied that the proposal is maintain 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 R1-1-112 in the Town of the Blue Mountains Comprehensive Zoning By-law 2018-65. Exception 112 states that on these lands will have a minimum lot frontage of 17 metres and a minimum interior side yard of 1.5 metres. The first variance is to permit accessory building be located 0.6 from the interior side lot line instead of 1.2 metres. This will provide a moderate distance 0.6 metres between the proposed cabana and the adjacent lands to the right. This will be maintaining between a sufficient distance between buildings on the adjacent lots to access and to maintain appropriate massing.

The second variance is to increase the maximum lot coverage from 30% to 32.8%. The current lot coverage is 28.01 % which consist of the existing main building with the attached loggia. With the proposed cabana it will increase the lot coverage from 28.01 % to 32.8 which is a 4.7% increase of the existing maximum lot coverage which will not be exceeding the permitted 10% for all accessory building or structures in any residential zone. The increase in maximum lot coverage is keeping with the intent of zoning by-law.

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 accessory building is maintaining the character of the surrounding neighbourhood along with keeping an acceptable distance from the adjacent properties and will not cause any adverse impacts.

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. Planning Staff is satisfied that the proposal is desirable for the development and use of the lands.

**Additional Comments**

At time of writing this report, comments from external agencies, internal town departments, and the general public have not been received. The Committee will need to consider all comments received prior to making a decision and developing necessary conditions to approval.

**D. Attached**

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1. Draft Decision

Respectfully submitted,

Manuel Rivera  
Planner I

For more information, please contact:  
Manuel Rivera, Planner I  
[planning@thebluemountains.ca](mailto:planning@thebluemountains.ca)  
519-599-3131 extension 308

### Report Approval Details

Document Title:	PDS.24.130 Recommendation Report - Minor Variance A35-2024 - 121 Stoneleigh Drive (Pigat and Muccilli).docx
Attachments:	- Attachment 1 - A35-2024 Draft Decision.docx
Final Approval Date:	Oct 9, 2024

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

**Shawn Postma - Oct 9, 2024 - 1:06 PM**



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

In the matter of application for File No. **A35-2024** to consider a variance to the Town of The Blue Mountains Comprehensive Zoning By-law 2018-65, as amended.

**Date of Hearing:** October 16, 2024  
**Property Location:** 121 Stoneleigh Drive  
**Owner/ Applicant:** Pigat and Muccilli  
**Purpose of Application:**

The effect of this application is to request a minor variance from Section 4.3 (g) and Table 6.2.1 of the Zoning By-law to permit:

- 1. An interior side yard reduction from 1.2 metres to 0.6 metres to permit an accessory building or structure to be locate on the interior side lot line; and
- 2. An increase of the maximum lot coverage from 30 % to 32.8%.

**DECISION:**

THAT the Committee of Adjustment GRANT Minor Variance A35-2024 to permit the construction of 39.4 square metre cabana.

Conditions and Reasons For Decision:

***See Attached Schedule “A”***

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

**Date of Decision:** October 16, 2024

**\*The last date for filing an appeal to the decision is November 5, 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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Signature of Secretary-Treasurer  
Town of The Blue Mountains Committee of Adjustment  
32 Mill Street, Thornbury, Ont., N0H 2P0

Dated: October 16, 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 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 October 16, 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.24.130.

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:

