



# Staff Report

## Planning & Development Services – Planning Division

**Report To:** Committee of Adjustment  
**Meeting Date:** October 16, 2024  
**Report Number:** PDS.24.131  
**Title:** Recommendation Report – Minor Variance A36-2024 – 188 West Ridge Road (Izumi)  
**Prepared by:** Manuel Rivera, Planner I

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### A. Recommendations

THAT the Committee of Adjustment receive Staff Report PDS.24.131, entitled “Recommendation Report – Minor Variance A36-2024 – 188 West Ridge Road (Izumi)”

AND THAT the Committee of Adjustment GRANT a minor variance for A36-2024 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 September 18, 2026.

### B. Background

The subject lands are located at 188 West Ridge Drive, adjacent to the road and residential dwellings to the north and east, West Ridge Drive to the west and a golf course to the south. The subject lands include a unique lot configuration that has a radius frontage of 127 metres with an area of 1,767 square metres (0.18 acres). West Ridge Drive is a local road that has not yet been assumed by the Town. An existing 217 square metres detached dwelling with an attached covered porch and attached garage exist on the site. The property is connected to municipal water and wastewater services.

The owner wishes to construct a 106 square metre deck to be attached at the rear of the existing dwelling. Due to the orientation of the dwelling being on an angle the deck variance is seeking an overall design to remain consistent with the area and dwelling.

A minor variance is requested to permit an increase of the encroachment for a deck from 1.5 metres to 5.0 metres.

On October 2, 2024, a site visit was conducted, and the construction of the deck had already commenced prior to receiving approval from Committee of Adjustment nor have obtained a deck permit from the Building Department. At the time of writing this report, a By-law Enforcement has been on site and Building Department has been in communication with the owner and agent to cease-and-desist construction of the proposed deck until the appropriate approvals and permits have been received.

## **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 designation recognizes areas within the Town that contain a mixture of seasonal and permanent residential development that that support and provide access to resort and recreational amenities (B3.7.1). Single detached dwellings are a permitted use in the RRA designation (B3.7.3).

The proposed deck will provide outdoor living space to existing dwelling and being able to enjoy the surrounding natural features. As the building is existing, the proposed structure would not appear out of character of the neighbourhood. The proposed deck will provide a sufficient distance for the subject land to have a back yard to be enjoyed.

Planning Staff is 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. The variances of the increase of the deck maximum encroachment from the 1.5 metres to 5.0 metres is due to the existing dwelling being located on an angle. The variance will permit the proposed deck to follow the same orientation as the existing main building. The proposed deck will be maintaining a moderate setback from the property to the adjacent to the south which has existing vegetation that is already acting as a screen between the two properties.

It is noted that the rear yard setback requirement is 9.0 metres and that Decks are permitted to encroach 1.5 metres into this yard. With the unique lot configuration, and that only a portion of the deck is encroaching, the applicant is requesting a deck to extend 5.74 metres off of the dwelling and 5.0 metres into the rear yard, resulting in a 4.0 metre rear yard setback for the deck.

Planning Staff is satisfied that the variance for an increase of the maximum encroachment projection is still maintaining 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 increase maximum deck projection will still maintain the character of the neighborhood and does not anticipate having an impact of the adjacent properties.

Planning Staff is satisfied that this proposal is minor in nature.

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

Planning Staff is satisfied that the proposal is desirable for the development and use of the lands. The proposed deck appears to be in character for subject lands and will provide an outdoor living space to enjoy the surrounding natural features.

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

**Additional Comments**

At time of writing this report, comments from external agencies, internal town departments, 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:  
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### Report Approval Details

Document Title:	PDS.24.131 Recommendation Report - Minor Variance A36-2024 - 188 West Ridge (Izumi).docx
Attachments:	- Attachment 1 - A36-2024 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 - 1:01 PM**



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

In the matter of application for File No. **A36-2024** 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:** 188 West Ridge Drive  
**Owner/ Applicant:** Izumi

**Purpose of Application:**

The purpose of this application is to consider a minor variance to Section 4.12 of the Zoning By-law to increase the maximum encroachment distance for a deck from 1.5 metres to 5.0 metres in order to permit a proposed deck to be located 5.74 metres off of the dwelling and 4.0 metres from the rear lot line.

**DECISION:**

THAT the Committee of Adjustment GRANT Minor Variance A36-2024 to permit the construction of 106 square metres deck in the rear yard.

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 -

File No: A36-2024  
Owner: Izumi  
Roll # 424200001532053

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.24.116.

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:

