



# Staff Report

## Planning & Development Services – Planning Division

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**Report To:** Committee of Adjustment  
**Meeting Date:** October 16, 2024  
**Report Number:** PDS.24.129  
**Title:** Recommendation Report – Minor Variance A33-2024 – 495972 Grey Road 2 (NW Property Corp.) ADDENDUM  
**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.24.129, entitled “Recommendation Report – Minor Variance A33-2024 – 495972 Grey Road 2 (NW Property Corp.) ADDENDUM”;

AND THAT the Committee of Adjustment GRANT a minor variance for A33-2024 subject to the following conditions:

1. The owner enter into a legal agreement with the County to recognize the encroachment onto a County Road, the terms of which must be to the satisfaction of the County of Grey;
2. A letter of exemption to the County Road Setback By-law be obtained from the County of Grey for the proposed addition;
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 October 16, 2026.

### B. Background

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The following report is an addendum to PDS.24.120 that was presented before Committee of Adjustment on September 18, 2024. Information regarding the subject lands, existing buildings and/or structures, adjacent properties and services was provided. Please refer to PDS.24.120 for those details.

The objective of the September's Committee of Adjustment was to request the following variance.

- 1) A front yard setback reduction from 7.5 metres to 0 metres with an encroachment on the County right-of-way (ROW) for the addition.
- 2) An exterior side yard setback reduction from 6 metres to 5.15 metres for the addition.
- 3) A reduction to the required parking from four (4) additional parking spaces to zero (0) parking spaces.

This was to permit the construction of 66 square metres addition on the northeast corner to expand their level of retail service to the immediate and surrounding community of Ravenna.

During the time when PDS.24.120 was being written, no comments had been received from Grey County. Upon receiving the initial comments from the County of Grey, the Town had questions and clarification on the comments, which resulted meeting between Town Planning Staff and County Planning Staff prior to Community of Adjustment. The objective of the meeting was to discuss and confirm the encroachment, sight lines and the use of the on-street parking. The outcome of the meeting was for County Transportation Staff to provide a follow up and revised comments were received however Town Staff still did not have all of the information required to provide a recommendation to the Committee, and therefore in cooperation with the application, Town Staff recommended deferral until these issues have been resolved.

As of result, Town Staff report recommended deferral until these items are addressed and brought forward to the next Committee of Adjustment. Since then, a revised Site Plan has been provided by the applicant and a subsequent meeting was held with the Applicant, County and Town Staff.

As a result, the proposed addition has been reduced to 60 square metres which has reduced the minimum parking space requirements from 4 parking spaces to 3 parking spaces. The three required parking spaces for the building addition can be accommodated on the site using a Tandem Parking arrangement. The arrangement is preferred over not providing parking, and the tandem spaces will be directed for the use of the residential component and staff parking freeing up the existing spaces for customer parking.

A revised variance has been brought forward seeking the following reliefs:

1. A reduction from the front yard setback from 7.5 metres to 0.91 metres from Table 7.2 of the Zoning By-law.
2. A reduction from the exterior side yard setback from 6 metres to 5.15 metres from Table 7.2 of the Zoning By-law.
3. A variation to section 5.1.3 To add an additional provision, "tandem parking shall be permitted" as a "parking space".

## 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?**

Please see PDS.24.120 for more information.

### **Does the proposal maintain the general intent and purpose of the Zoning By-law?**

Please refer to PDS.24.120 for the zoning designation, the permitted uses and lot requirements. The first revised variance that is being requested a reduction from the front yard setback 7.5 metres to 0.91 metres. As mentioned in the PDS.24.120 the proposed addition will remain consistent with the main building façade. However, in the revised site plan has noted the existing vestibule entrance that encroaches on to the County r.o.w. will be removed to accommodate the proposed addition. Due to this change the proposed addition will no longer have a portion that will be extending on to the County r.o.w. The County of Grey communicated with Town Staff, the owner and agent that an encroachment permit from the County must be obtained as a condition of approval as part of a Site Plan Agreement for the existing building encroachment on the County's minimum setback requirements from a County r.o.w.

The second variance request to reduce the exterior side yard setback from 6 metres to 5.15 metres has not changed. One of the issues that raised by the County of Grey is that the site plan should incorporate a 5 metres by 5 metres daylighting triangle at the intersection of Grey Road 2 and Grey Road 119. The objective of the daylighting triangle to permit that area to maintain the lines of sight clear from any visible obstructions. The County Transportation staff have reviewed the revised site plan and accepts the daylight triangle. As mentioned previously by the County, the daylight triangle will be deeded to the County as a condition of Site Plan Approval.

The third variance request, to section 5.1.3 to add an additional provision, "tandem parking shall be permitted" as a "parking spaces". The previous report discusses the non-residential parking requirements in the zoning by-law for retail stores and the significance of why parking needs to be provided on-site for the needed use. The revised site plan reduced the previous 66 square metres addition to 60 square metres. This has changed from required additional parking spaces from 4 to 3 parking spaces. These additional spaces are located on subject lands but are laid out as tandem parking according to the revised site plan. The zoning by-law defines parking space as: means an unobstructed space for the exclusive *use* of parking of a *motor vehicle*. Tandem parking is defined as a means two *parking spaces* arranged such that one of the two *motor vehicles* that are parked does not have independent access to a private or *public street*. The objective tandem parking to accommodate the addition, provide additional parking and not rely on the existing on-street parking and not create any addition traffic congestions. These parking spaces are to be reserved for the owners and staff of the Ravenna General Store and not for the public. The purpose of this is to avoid any potential traffic concerns as owner and

staff vehicles are parked for longer periods of time compared to customers that frequent the store and park their vehicles for shorter periods of time.

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. In this case, both building addition plus the variance to permit tandem parking as a permitted parking space can be considered minor in nature. The proposed addition will remain in character with the Ravenna General Store and will provide additional services to the immediate and surrounding community. The tandem parking spaces are located on the subject lands and are to be used by the owner and staff of the Ravenna General Store only and not by the public.

Planning Staff is 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.

**D. Attached**

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1. PDS.24.120 Recommendation Report
2. 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.24.129 Recommendation Report - Minor Variance A33-2024 - 495972 Grey Road 2 (NW Property Corp.) ADDENDUM.docx
Attachments:	- PDS.24.120 Recommendation Report - Minor Variance A33-2024 - 495972 Grey Road 2 (NW Property Corp.).docx - Attachment 2 - A33-2024 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 - 12:42 PM**



# Staff Report

## Planning & Development Services – Planning Division

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**Report To:** Committee of Adjustment  
**Meeting Date:** September 18, 2024  
**Report Number:** PDS.24.120  
**Title:** PDS.24.120 Recommendation Report - Minor Variance A33-2024 - 495972 Grey Road 2 (NW Property Corp.).docx  
**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.24.120, entitled "Recommendation Report – Minor Variance A33-2024 – 495972 Grey Road 2 (NW Property Corp.);

AND THAT the Committee of Adjustment DEFER a minor variance for A33-2024 that considers the construction of 66 square metres addition and a reduction of four (4) additional parking spaces to zero (0) parking spaces, until a peer review of Parking Study by JD Engineering has been performed.

### B. Background

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The subject lands are known as the Ravenna General Store and are located at 495972 Grey Road 2, adjacent to property is Grey Road 119 to the north, Grey Road 2 to east, commercial use to the south and single detached dwelling to the west. The lands are approximately 1,198 square metres (0.3 acres) in size with a lot frontage of 31.83 metres. The subject lands contain an existing 138 square metres commercial residential building, existing 25.50 square metres accessory structure. The property has private services for water and sanitary.

The purpose of the 66 square metres addition is to expand their level of retail services to the immediate and surrounding community of Ravenna. This will allow them to increase their business and retain their existing customers and attract new customers as well.

The purpose of the variances is required for:

- 1) A front yard setback reduction from 7.5 metres to 0 metres with an encroachment on the County right-of-way (row) for the addition.
- 2) An exterior side yard setback reduction from 6 metres to 5.15 metres for the addition.
- 3) A reduction to the required parking from four (4) additional parking spaces to zero (0) parking spaces.

Due to the how the site is already developed including parking as provided for the existing uses, the proposal cannot meet all required lot standards, or provide additional parking spaces as needed by the zoning by-law and therefore a minor variance is required.

In support of this variance, a Site Plan and Parking Report have also been provided.

## **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 Hamlet Area (HA) in the 2016 Town of the Blue Mountains Official Plan. The objective behind the HA is to provide for residential and small scale commercial and retail functions that primarily serve the local area and the surrounding agricultural community. Opportunities for small scale commercial and tourism related uses that are compatible with the character and scale of the area are encouraged. (B4.5.1). The property is currently servicing the needs of the surrounding areas and travelling public with the existing commercial use (Section B4.5.3 c, d). It will continue to do so. Section B4.5.4 (a) notes that new development in the settlement areas maintain and/or enhance the settlement character with the development is diverse and compatible land use within proximity to each other.

The existing Ravenna General Store is a widely recognized fixture in the Hamlet area of Ravenna. The expansion of the existing store remains in character and at a scale appropriate for the area. 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 Rural Commercial (C7) in the Town of the Blue Mountains Comprehensive Zoning By-law (ZBL) 2018-65. Table 7.1 does permit a retail store as a permitted use. Table 7.2 in the ZBL contains the lot setbacks which creates the buildable area where development can occur. The first variance that is being requested a reduction from the front yard setback 7.5 metres to 0 metres. The request will allow for the proposed building addition to maintain a consistent main wall façade. It is noted that a portion of the existing building is located on the County Right-of-Way, and that a small portion of the proposed building addition would also extend on to the County Right-of-Way. Comments have not yet been received from the County of Grey regarding any permissions to allow for new construction to occur on their lands. In addition, the Committee does not have authorization to allow construction on adjacent lands, however can establish a 0 metre setback to allow construction up to the property line. Prior to the Committee issuing a decision on this variance, comments should be obtained from the County in this regard.

The second variance is being requested is a reduction from exterior side yard setback from 6 metres to 5.19 metres. The purpose of the proposal will remove the existing concrete patio, retaining walls and associated features to permit the addition to the north-east portion of the subject lands to be constructed. Planning Staff wish to receive additional comments from the County of Grey on this variance, due to potential concerns for intersection sight lines. It is also noted that the existing concrete patio area serves as an accessory outdoor space for patrons, and it is not clear if this will be replaced or relocated elsewhere on the site.

These two variances will permit the proposed addition to square off the north-east corner of the building.

The final variance for this proposed addition is a reduction of 4 parking spaces to 0 parking spaces. In Table 5.3 - Non-residential Parking Requirements of the ZBL which indicates that Retail Stores uses require one (1) space for every 20 square metres. The proposed addition will require 4 additional parking spaces at minimum. The Zoning By-law requires that all parking needed for a use shall be provided on-site. In this case, the location of the existing buildings does not offer the ability to provide additional on-site parking. The intent of the By-law is to ensure that the parking demands generated by a use are accommodated on the site. A Parking Study by JD Engineering was completed August 15, 2024, and was submitted to the Town as part of the application submission. The analysis of the report reviewed existing parking infrastructure on the subject lands and the surrounding areas. JD Engineering noted in their reports the additional parking spaces needed for the proposed addition can be met through the current existing on-street parking areas. However, Staff have concerns that the study is reliant on the availability of other on-street parking spaces which are also used by other surrounding residential and commercial properties, and that the on-street parking established by the County of Grey was completed as a general improvement for on-street parking from what existed previously. It is further noted that the proposed retail store is looking to expand its retail offerings to also include liquor beer and wine sales which may also generate new traffic to the site. Further discussions with the County of Grey Transportation department should be completed and the consideration of a peer review in consultation with the County of the submitted parking study may be beneficial to verify and confirm the recommendations of the report.

At the time of writing this staff report, Planning Staff are unable to determine if 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. In this case, both building additions plus the reduction of the additional parking spaces is the root of the matter to determine if the variance can be considered minor for the proposed addition. As mentioned previously, further comments from the County plus consideration of a peer review of the parking study would be beneficial to ensure that existing parking spaces are appropriate and will not create a recurring traffic congestion. In conjunction, the variances that are being requested for the proposed addition, Planning Staff are unable to



determine if this request can be considered minor for the subject lands. This is to ensure that Planning Staff have an opportunity to make a fully informed decision if this proposal is truly minor in nature.

Therefore, Planning Staff are unable to determine if this proposal is minor in nature.

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

Based on the commentary mentioned previously to construct a 66 square metre addition on the existing commercial residential building a reduction of the minimum front and rear yard setbacks along with a parking reduction 0 parking spaces, Planning Staff are unable to determine if the proposal is desirable for the development and use of the lands at this time.

Based on the above, Planning Staff are recommending a deferral of this application so that Staff can receive Grey County comments, and to follow up on the matters contained in this report. Staff recognize that a 30 day deferral would appear appropriate at this time, and that Planning Staff can prepare a second report to advise the Committee on final recommendations.

At this time, Planning Staff are unable to determine if the proposal can meet all four tests for minor variance and do not recommend approval.

**D. Attached**

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1. Draft Decision

Respectfully submitted,

Manuel Rivera  
Planner I

For more information, please contact:

Manuel Rivera  
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519-599-3131 extension 308

### Report Approval Details

Document Title:	PDS.24.120 Recommendation Report - Minor Variance A33-2024 - 495972 Grey Road 2 (NW Property Corp.).docx
Attachments:	- A33-2024 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 - 1:15 PM**



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

In the matter of application for File No. **A33-2024** 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:** 495972 Grey Road 2  
**Owner/ Applicant:** NW Property Corp

**Purpose of Application:**  
The purpose of this application to permit a 60 square metres addition on to the existing 136 square metres commercial residential building.

**DECISION:**  
  
THAT the Committee of Adjustment GRANT Minor Variance A33-2024 to permit the construction 60 square metres addition on to the Ravenna General Store

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.

\_\_\_\_\_  
Signature of Secretary-Treasurer  
Town of The Blue Mountains Committee of Adjustment  
32 Mill Street, Thornbury, Ont., N0H 2P0

Dated: October 16, 2024

**- Schedule A -**

1. The owner enter into a legal agreement with the County to recognize the encroachment onto a County Road, the terms of which must be to the satisfaction of the County of Grey;
2. A letter of exemption to the County Road Setback By-law be obtained from the County of Grey for the proposed addition;
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 October 16, 2026.

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.24.129.

**APPLICANT'S SITE PLAN:**

