



# Staff Report

## Planning & Building Services – Planning Division

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**Report To:** Committee of Adjustment  
**Meeting Date:** March 19, 2025  
**Report Number:** PBS.25.018  
**Title:** Recommendation Report – Minor Variance A03-2025 – 417028 10th Line (Jennett)  
**Prepared by:** Manuel Rivera, Planner I

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### A. Recommendations

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THAT the Committee of Adjustment receive Staff Report PBS.25.018, entitled “Recommendation Report – Minor Variance A03-2025 – 417028 10<sup>th</sup> Line (Jennett)”;

AND THAT the Committee of Adjustment GRANT a minor variance for A03-2025 in order to permit a 115.02 square metre addition within the northerly side yard 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 March 19, 2027.

### B. Overview

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The subject lands are located at 417208 10<sup>th</sup> Line, and it is surrounded by the following:

- Vacant land to the North.
- 10<sup>th</sup> Line to the East
- The Events for Life Centre along the South and West

The lands are approximately 11,654.95 square metres in total (approx. 1.17 hectares) with a total lot frontage of 87.05 metres that runs along 10<sup>th</sup> Line. The property contains an existing dwelling is approximately 107.6 square metres in size with an attached covered porch, wooden deck, a 37.2 square metre pergola, and 257.3 square metre detached garage. The garage is used by the owner solely for personal use and vehicle storage only. Vegetation runs throughout the entire property.

The owner wishes to construct a 115.02 square metre addition to the existing dwelling that will be located on the northern interior side yard. Due to the location of this addition, the following variance has been requested:

1. To reduce the minimum interior side yard setback from 5 metres to 3.35 metres.

Reasons submitted with the application for this variance is to consider the preservation of the existing vegetation along the northern interior side lot line and other general landscaping of the property.

### **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 Special Agricultural (SA) and Hazard (H) in the 2016 Town of the Blue Mountains Official Plan. The proposed addition is within the SA designation of this property. One of the objectives of this designation is to maintain the character of the Town created by the presence of the orchard lands (B4.3.1). The primary use of Special Agriculture lands is for agriculture and agriculturally related uses. In addition, other uses include farm residence (B4.3.3 (b)) are also permitted. Based on the size of the parcel, the subject lands are used primarily for residential and will continue be used for this purpose.

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 SA and H in the Town of the Blue Mountains Comprehensive Zoning By-law 2018-65. The proposed addition is located primarily in the SA portion of the property. In Table 8.2 in the Zoning By-law list the zone standards for SA. In Table 8.2 states in special provision (2) recognizes those lots that are 2.0 hectares or less, that the regulation and permitted uses of Residential (R1-4) zone shall apply except for lot frontage and lot area requirements which shall be existing as the date of the passing of this by-law. As previously described, the lot area is 1.17 hectares. Therefore, special provision (2) does apply to the subject lands.

The variance that is being request is a reduction of the minimum interior side yard setback from 5 metres to 3.35 metres. The purpose of the interior side lot line is to provide adequate distance between buildings and property boundaries which include and not limited to privacy and character of the property. The orientation of the proposed addition will be located closer along the northern side lot line, however, will be maintaining the existing vegetation that which is acting as a screen between the subject lands and the adjacent lands.

The permitted maximum lot coverage for properties less than 2.0 hectares in the SA zone is 20%, according to special provision (2). The property has an existing lot coverage is currently 3.45% which this comprised of the dwelling with attached covered porch, the pergola and the detached garage. The wooden deck would not be included as part of the lot under the definition of the zoning by-law. The owner agent noted to Planning Staff that pergola will be removed prior to the construction of the addition, if the Committee approves the variance. The revised lot coverage comprised of the dwelling, covered porch, garage and the proposed addition will be roughly 4.12%, which is within the permitted maximum lot coverage.

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 addition will not have an adverse impact to adjacent lands to the north appears to be currently vacant. If development is to occur on the adjacent lands to the north, then, additional vegetation should be considered to ensure privacy between these two properties is being maintained. The proposed addition will still be maintaining existing vegetation screen that runs along northern side lot line. Also, the proposed addition will be keeping the remaining lot setback, permitted maximum height for the main building and lot coverage of the property.

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 purpose of the addition is to provide additional living space while maintaining the character of the lands and surrounding area.

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. Attachment 1

Respectfully submitted,

Manuel Rivera  
Planner I

For more information, please contact:  
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**Report Approval Details**

Document Title:	PBS.25.018 Recommendation Report - Minor Variance A03-2024 - 417028 10th Line (Jennett).docx
Attachments:	- A03-2025 - Draft Decision.docx
Final Approval Date:	Mar 13, 2025

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

**Shawn Postma - Mar 13, 2025 - 10:31 PM**



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

In the matter of application for File No. **A03-2025** to consider a variance to the Town of The Blue Mountains Comprehensive Zoning By-law 2018-65, as amended.

**Date of Hearing:** March 19, 2025  
**Property Location:** 417208 10<sup>th</sup> Line  
**Owner/ Applicant:** Jennett  
**Purpose of Application:**

The purpose of this application is to request a minor variance from Table 8.2:  
1. To reduce the minimum interior side yard setback from 5 metres to 3.35 metres.

**DECISION:**

THAT the Committee of Adjustment GRANT Application **A03-2025** for to permit the construction of 115.02 square metre addition on the northern interior side lot line.

Conditions and Reasons For Decision:

***See Attached Schedule “A”***

Robert B. Waind	Jim Oliver Chairman	Michael Martin	Jan Pratt	Duncan McKinlay Vice Chairman
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**Date of Decision:** March 19, 2025

**\*The last date for filing an appeal to the decision is April 8, 2025\***

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

Dated: March 19, 2025



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 March 19, 2027.

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 PBS.25.018.

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:

