



# Notice of Decision and Right to Appeal

**This is a notice about a decision of the Committee of Adjustment on Minor Variance Applications A17-2022, (Owner: Eden Oak Trailhead Development Inc)**

A certified copy of the Committee of Adjustment's decision is attached to this notice.

**If you disagree with this decision you may file an appeal with the Ontario Land Tribunal.** An appeal must include the required Appellant Form and the required Fees made out to the Minister of Finance. The Appellant Form must also set out the objection to the decision and the reasons in support of the objection.

The Appellant Form and fees must be delivered in person or by registered mail to the Secretary-Treasurer of the Committee of Adjustment:

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

**The last date for filing an appeal is May 9, 2022, by 4:30 pm.**

More information about how to file an appeal, including the forms and fees, is available on the Ontario Land Tribunal website at <https://olt.gov.on.ca/>.

If there is an appeal to the Ontario Land Tribunal, except where all appeals are withdrawn, a hearing will be held and notice will be given to the Applicant, the Appellant, the Secretary-Treasurer of the Committee, and to anyone else as determined by the Ontario Land Tribunal.

If no appeal on this decision is received within twenty days of the decision, the decision of the Committee is final and binding. The Secretary-Treasurer will notify the Applicant and file a certified copy of the decision with the Clerk of the Town of The Blue Mountains.



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

In the matter of application for Minor Variance File No. **A17-2022** to consider a variance to the Town of The Blue Mountains Comprehensive Zoning By-law 2018-65, as amended,

**Date of Hearing:** April 19, 2022

**Property Location:** 226 Lakeshore Road East (Plan 529 Part Lot 173  
Registered Plan 16R-1974 Part 1)

**Owner/ Applicant:** Eden Oak Trailhead Developments Inc.

**Purpose of Application:**

The purpose of this application is to consider a request for minor variance from General Provision 4.20 (e), (g), (h) and Parking Provisions 5.1, 5.1.5, and 5.3.1 (c) in Zoning By-Law 2018-65. The application requests the following variances:

1. Section 4.20 e) to permit a Sales Office on a lot adjacent to the draft approved lands;
2. Section 4.20 g) to permit a Sales Office to have a maximum height of 10.7 metres, whereas a maximum height of 6.5 metres is permitted;
3. Section 4.20 h) to permit a Sales Office to have a maximum ground floor area of 215 square metres, whereas, a maximum ground floor area of 200 square metres is permitted;
4. Section 5.1 to permit tandem parking be permitted within the garage of the Temporary Sales Office;
5. Section 5.1.5 to permit a parking space to have a minimum length of 5.2 metres, whereas a parking space is required to be 5.5 metres long; and,
6. Section 5.3.1 c) to permit a parking surface area to be setback 0.3 metres from a side lot line and rear lot line, whereas a surface area is required to be 1 metre from a side lot line or rear lot line.

The effect of the application is to permit the use of a Sales Office to be located within an existing single dwelling on the subject property.

WE, the undersigned, in making the decision upon this application have considered whether or not the variance requested was minor and desirable for the appropriate development and use of land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, or in the case of a change in a use of property or structures which is lawfully non-conforming under the by-law as to whether or not this application has met the requirements of Section 45(2) of the *Planning Act*, **CONCUR** in the following decision and reason(s) for decision:

**DECISION:**

THAT the Committee of Adjustment **GRANT** Minor Variance Application No. A17-2022 to permit the development of the lands in accordance with the site sketch.

Conditions and Reasons For Decision:

*See Attached Schedule "A"*

Robert B. Waind

Chairman

Peter Franklyn

Bill Remus

Jim Uram

Jim Oliver

**Date of Decision:** April 19, 2022

**\*The last date for filing an appeal to the decision is May 10, 2022**

**CERTIFICATION**

Planning Act, R.S.O. 1990, c.P13, Sec 45(10)

I, Kyra Dunlop, 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.

File No: A17-2022  
Owner: Eden Oak Trailhead  
Development Inc.  
Roll #424200000336700



Signature of Secretary-Treasurer

Town of The Blue Mountains Committee of Adjustment

32 Mill Street East, Thornbury, Ont., NOH 2P0

Dated: April 19, 2022



Town of The Blue Mountains  
 Committee of Adjustment  
 Decision

- Schedule A -

CONDITIONS:

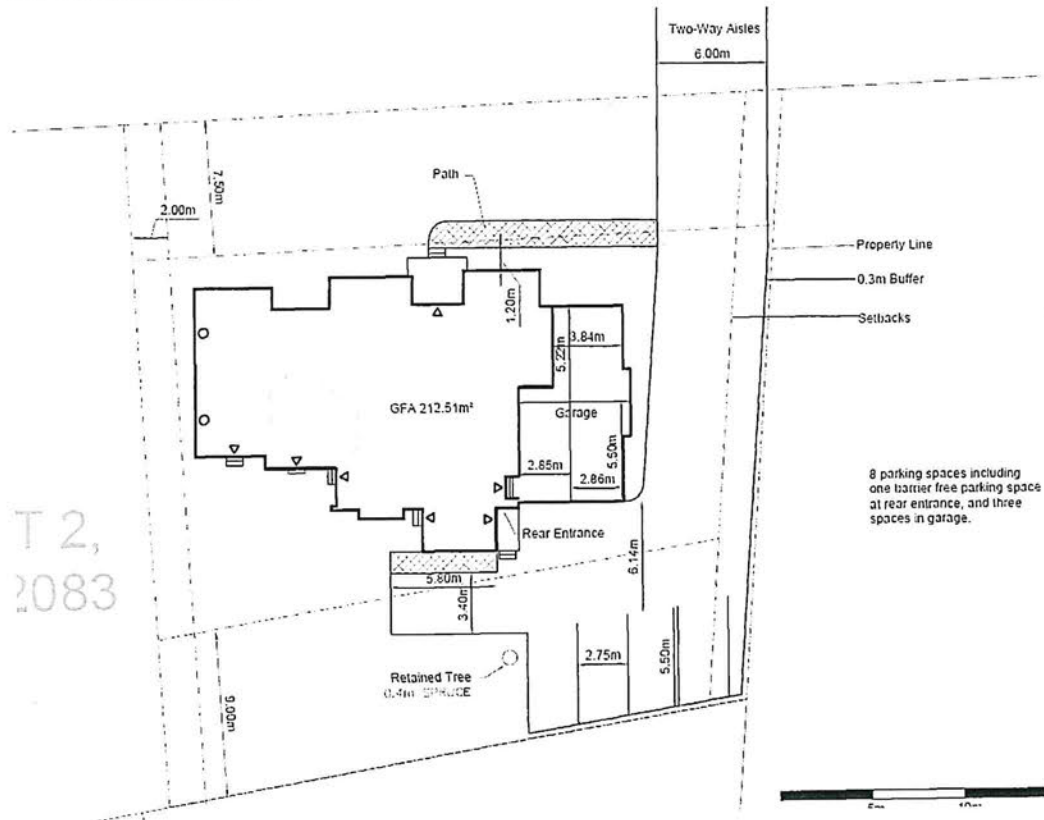
1. That the development be constructed in a manner substantially in accordance with the submitted site sketch;
2. That the Sales Office be limited 215 sq.metres;
3. That the development is subject to Site Plan Approval;
4. That the owner enter into a Sales Office Agreement; and
5. That the dwelling be utilized as a Sales Office for a maximum of 3 years at April 19, 2025.

REASON FOR DECISION:

The Committee is satisfied that the application meets 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.22.043.

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:



As prescribed under the *Accessibility for Ontarians with Disabilities Act* – this document can be made available in other accessible formats as soon as practicable and upon request.