



# Notice of Decision and Right to Appeal

## **This is a notice about a decision of the Committee of Adjustment on Minor Variance Application A14-2023 (Vos and Levy)**

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 (OLT).** 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. Please note, only the applicant, public bodies with an interest in the matter, the Minister of Municipal Affairs and Housing, and 'specified persons', as defined by the Planning Act, are permitted to appeal decisions related to minor variance applications. These are recent changes that have been made to the Planning Act by the province.

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, P.O. Box 310  
Thornbury, ON, N0H 2P0

**The last date for filing an appeal is June 6, 2023, 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If there is an appeal to the Ontario Land Tribunal, except where all appeals are withdrawn, a hearing will be held and notice will be given to the Applicant, the Appellant, the Secretary-Treasurer of the Committee, and to anyone else as determined by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. **A14-2023** to consider a variance to the Town of The Blue Mountains Comprehensive Zoning By-law 2018-65, as amended,

**Date of Hearing:** May 17, 2023  
**Property Location:** 32 Napier Street East (Vos & Levy)  
**Owner/ Applicant:** Anne Vos & Shauna Levy  
**Purpose of Application:**

The purpose of this application is to consider a request for minor variance to Section 4.22 *Non-Complying Buildings and Structures* and Section 6.2.1 *Residential Zone Standards* of Zoning By-law 2018-65. The Owner is seeking a minor variance to the provision requiring that when non-complying buildings or structures are replaced, repaired, or renovated that the height does not increase and to increase the maximum lot coverage to 33.55%, whereas 30% is permitted.

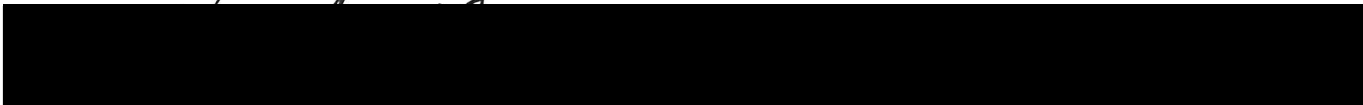
The effect of the application is to permit the expansion of an existing single detached dwelling:

1. With an increased height of 1.0m over a portion of the pitched roof that encroaches on the required side yard, whereas the height of the existing non-complying dwelling is not permitted to increase.
2. With a maximum lot coverage of 33.55%; whereas 30% is permitted.

**DECISION:**

THAT the Committee of Adjustment GRANT the Minor Variance Application A14-2023 to permit the expansion of an existing single detached dwelling to be constructed at an increased height of 1.0m over a portion of the pitched roof that encroaches on the required side yard, and at an increased lot coverage of 33.55%; for the property municipally known as 32 Napier Street East subject to conditions:

Conditions and Reasons For Decision:



Robert B. Waing  
Chairman

Greg Aspin

Michael Martin  
Vice Chairman

Jim Oliver

Duncan McKinlay

**Date of Decision: May 17, 2023**

**\*The last date for filing an appeal to the decision is June 6, 2023, by 4:30pm\***

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#### 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.

A black rectangular box redacting the signature of the Secretary-Treasurer.

Signature of Secretary-Treasurer

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

Dated: May 17, 2023

#### 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 May 17, 2025.

#### REASON FOR DECISION:

The Committee is satisfied that the requests for an increased height of 1.0m over a portion of the pitched roof that encroaches on the required side yard and increased lot coverage 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.23.043.

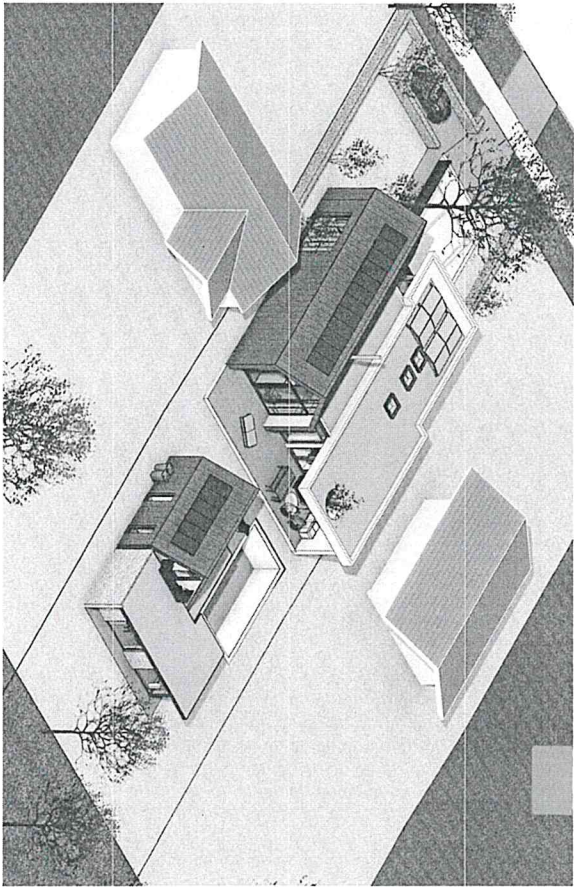
The Committee received written and/or oral submissions before and/or during the hearing and have taken these submissions into consideration when making the decision.

File No: A14-2023  
Owner: Anne Vos & Shauna Levy  
Roll # 4242000018090000000

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

- Schedule A -

**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.