



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of Adjustment
Meeting Date: February 21, 2024
Report Number: PDS.24.033
Title: Recommendation Report – Minor Variance A07-2024 – 181 Bay Street East (Effinger)
Prepared by: David Riley, Principal, SGL Planning & Design Inc.
Sierra Horton, Planner, SGL Planning & Design Inc.

A. Recommendations

THAT the Committee of Adjustment receive Staff Report PDS.24.033, entitled “Recommendation Report – Minor Variance A07-2024 – 181 Bay Street East (Effinger)”;

AND THAT the Committee of Adjustment GRANT Minor Variance A07-2024 subject to the following 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 February 21, 2026.

B. Background

The subject lands are located at 181 Bay Street East and are surrounded by single detached dwellings to the north, east and west. The property backs onto industrial lands to the south, however these currently consist of treed area. The lands are approximately 1992.89 square metres (0.49 acres) in size. A single detached dwelling currently exists on the lands, as well as an outbuilding to the rear of the property.

The owner wishes to construct a detached garage (accessory building) located 7.5 metres from the property’s front lot line, whereas the main dwelling is located approximately 19.4 metres from the front lot line. Subsection 4.3(d) of the Zoning By-law does not permit accessory buildings or structures to be located closer to the front lot line than the main building in the R1 Zone. The applicant is seeking relief from this provision of the Zoning By-law.

The site plan sketch (**Figure 1**) and aerial image (**Figure 2**) submitted by the applicant illustrate the location of the proposed garage and its setbacks, as well as the location of the existing dwelling and outbuilding on the property. The proposed garage is approximately 90 m² in size, while the existing dwelling is 151 m². The applicant has noted building the garage by the current standard would require removal of more mature trees than the proposed location.

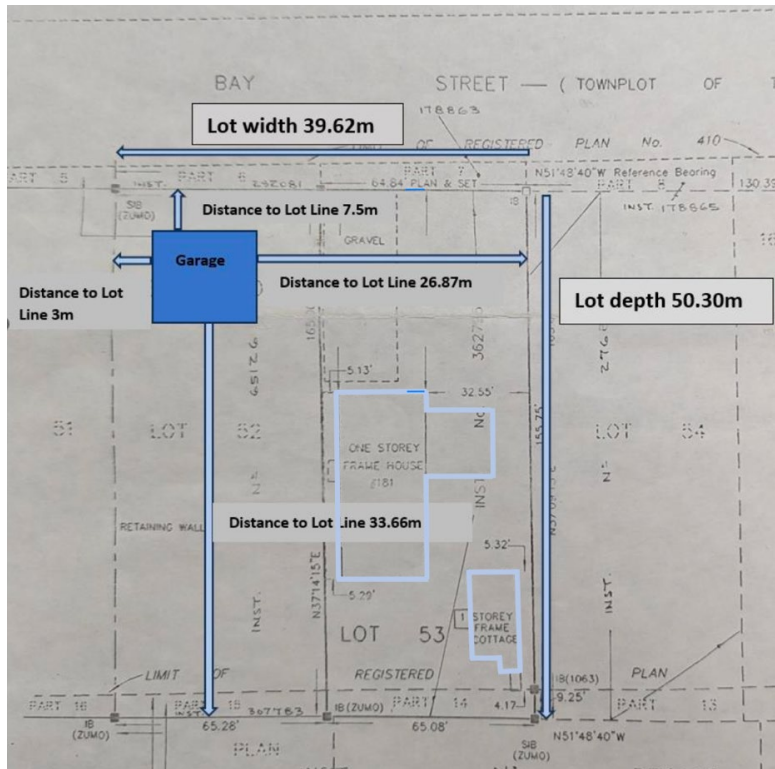


Figure 1. Proposed Garage Setbacks

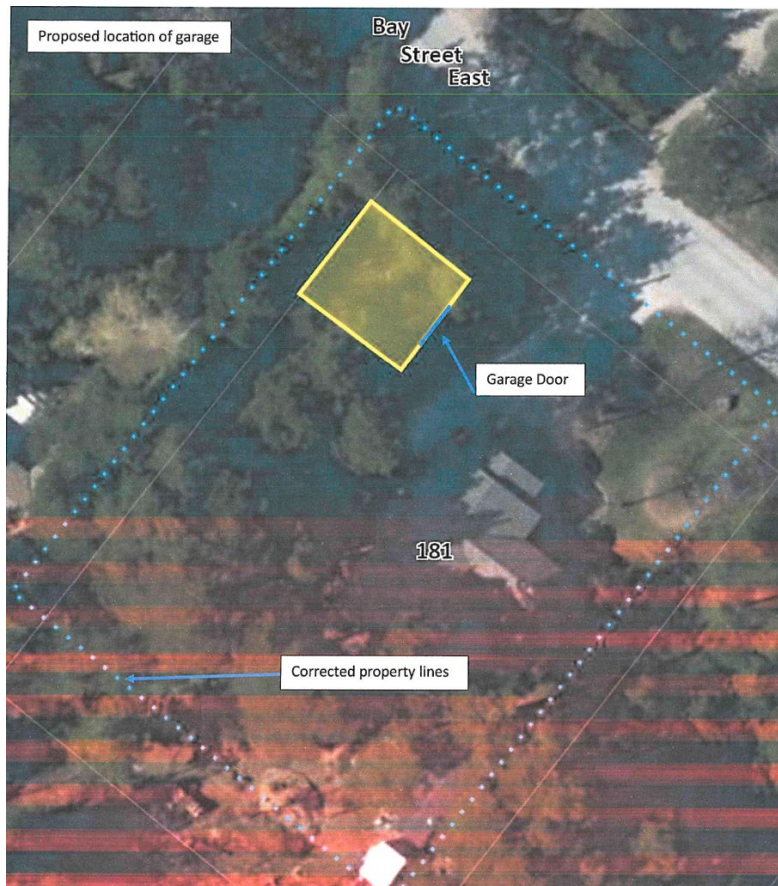


Figure 2. Proposed Location of Garage

C. Analysis

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 Community Living Area in the 2016 Town of the Blue Mountains Official Plan. This land use designation is established to recognize residential lands in the Thornbury-Clarksburg settlement area, on full municipal sewer and water services. Among others, permitted uses include single detached dwellings and accessory buildings and structures.

Section B3.1.5.2 of the Official Plan sets out policies for infill development within the Community Living Area designation. Infill development includes the creation of lot(s) for single detached and semi-detached dwellings between existing residential lots. In this context however, the Official Plan policies for infill development are also being considered for accessory buildings as they too have an impact on the streetscape and existing neighbourhood character. According to Section B3.1.5.2, the proposed development is to be compatible with the

character of the existing neighbourhood and designed in a manner that is sensitive to the location, massing and height of adjacent buildings (Policy B3.1.5.2 a) and B3.1.5.2 b)). To preserve the streetscape edge and character, the predominant or average front yard setback for adjacent housing is to be maintained (Policy B3.1.5.2 e), with similar side yard setbacks to preserve the spaciousness on the street (Policy B3.1.5.2 f). Existing trees and vegetation are to be retained and enhanced where possible, with additional landscaping to integrate the proposed development with the existing neighbourhood (Policy B3.1.5.2 k)).

The proposed garage would be located along the subject property's Bay Street East frontage, impacting the streetscape. However, there is currently a mix of front and side yard setbacks along Bay Street East, with no predominant or established pattern of development. There are several other detached garages and accessory buildings in front of other main dwellings along the street, many of which are screened from the street by trees and vegetation. The main entrance to the garage is proposed to be along the proposed building's east side, oriented towards the centre of the lot and accessed by the existing driveway. Therefore, it is our opinion its use and character will not dominate the streetscape.

The characteristics of the subject property and its width allow for the location of the garage to be sensitive to the location of adjacent dwellings. The adjacent property at 167 Bay Street East to the west of the subject property (where the proposed garage will be located adjacent to) has a very generous setback from the street and the two buildings on both properties will be far from one another.

The proposed location of the garage will help ensure the greatest extent of existing trees and vegetation are retained on the subject property, which are a contributing factor to the character of the street.

We are 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. Permitted uses in the R1-1 zone include single detached dwellings and accessory buildings and structures. It is noted that the proposed detached garage appears to comply with the requirements of the Zoning By-law, except the requested variance to the requirement that accessory buildings be no closer to the front lot line than the main building. The purpose of locating accessory buildings or structures no closer to the front lot line than the main buildings is to preserve the streetscape edge and maintain a consistent front yard setback, ensuring the main building is the most prominent building on the lot.

There is currently a mix of front yard building setbacks along Bay Street East, and therefore no consistent streetscape edge to maintain. The garage is proposed to be oriented inward towards the property and will be accessed from the existing driveway, not the street. This orientation

will ensure the main dwelling is still the most prominent building on the lot, with the garage door facing the existing driveway and not the street.

We are therefore 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 location of the detached garage avoids conflict with the location of both adjacent dwellings and will be accessed from the existing driveway. The proposed location will also ensure the greatest extent of existing trees and vegetation are retained on the subject property, as setting the building back further would require the removal of greater mature tree coverage to accommodate the building and likely an extension of the existing driveway. Existing trees on the street are a contributing factor to the character of the street.

We are therefore satisfied that the proposal is minor in nature.

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

As the location of the proposed detached garage considers existing vegetation on the lot and surrounding area and will be integrated as part of the existing driveway so as to not dominate the streetscape, we are satisfied that the proposal is desirable for the development and use of the lands.

Based on the above comments, we are satisfied that the proposal can meet all four tests for minor variance.

D. Attached

1. Draft Decision

Respectfully submitted,

David Riley,
Principal, SGL Planning & Design Inc.

Sierra Horton
Planner, SGL Planning & Design Inc.

For more information, please contact:

David Riley
driley@sglplanning.ca



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

In the matter of application for File No. **A07-2024** to consider a variance to the Town of The Blue Mountains Comprehensive Zoning By-law 2018-65, as amended.

Date of Hearing: February 21, 2024
Property Location: 181 Bay Street East
Owner/ Applicant: Tobias and Laurie Effinger
Purpose of Application:

The purpose of this application is to request a minor variance to subsection 4.3(d) of the Zoning By-law to permit:

1. An accessory building to be located 7.5 metres from the front lot line, whereas the main dwelling is located approximately 19.4 metres from the front lot line and accessory buildings and structures are not permitted to be closer to the front lot line than the main dwelling.

DECISION:

THAT the Committee of Adjustment receive Staff Report PDS.24.036, entitled "Recommendation Report – Minor Variance A10-2024 – Block 38, Plan 16M24 (Primont);"

AND THAT the Committee of Adjustment GRANT Minor Variance A10-2024.

Conditions and Reasons For Decision:

See Attached Schedule "A"

Robert B. Waind
Chairman

Greg Aspin

Michael Martin
Vice Chairman

Jim Oliver

Duncan McKinlay

Date of Decision: February 21, 2024

The last date for filing an appeal to the decision is March 12, 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.

Carrie Fairley, Secretary-Treasurer

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

Dated: February 21, 2024



**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 February 21, 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.24.033.

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:

