



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of Adjustment
Meeting Date: February 21, 2024
Report Number: PDS.24.034
Title: Recommendation Report – Minor Variance A08-2024 – 190 Courtland Street (Kennedy)
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.24.034, entitled “Recommendation Report – Minor Variance A08-2024 – 190 Courtland Street”;

AND THAT the Committee of Adjustment GRANT Minor Variance A08-2024 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 190 Courtland Street, just south east of Courtland Street and Sycamore Street within the Town’s Residential Recreational Area as shown on **Figure 1**.

The lands are approximately 472 square metres (0.1167 acres). A two-storey single detached dwelling currently exists on the lands.

The owner wishes to construct an unenclosed deck and associated staircase at the rear of the existing dwelling as shown on **Figure 2**. The height of the proposed deck is 1.22 metres and a small portion of the deck (3.6 metres in width) will project into the minimum required rear yard such that it will be set back from the rear lot line by 4.2 metres. The remaining portion of the deck is proposed to be set back from the rear lot line by 6.0 metres, meeting the minimum requirement of a 7.5-metre rear yard setback plus a permitted 1.5-metre encroachment (as

such, a deck is permitted between the house and up to a point 6.0 metres from the rear lot line). It is noted that no changes are proposed to the existing two-storey building.

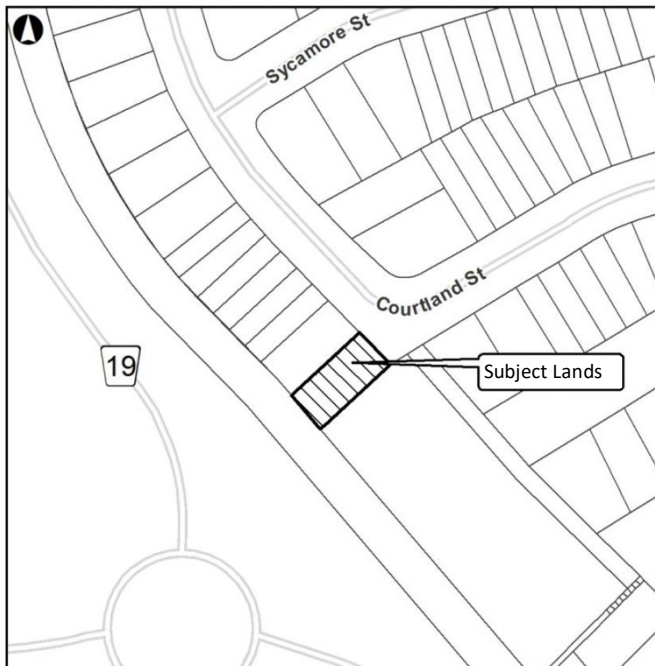


Figure 1: Context Map

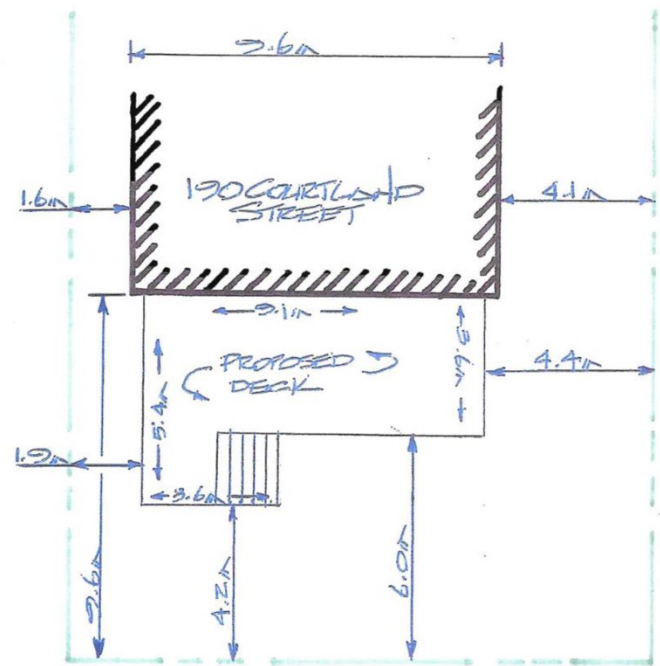


Figure 2: Applicant's Site Plan Sketch

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. Consultants for the Town 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 Residential Recreational Area 'RRA' in the 2016 Town of the Blue Mountains Official Plan. This land use designation is established to permit a range of residential and recreational land uses including but not limited to single detached dwellings, townhouse and low-rise multiple units, parks, open spaces, community centres and more.

Section B3.7.4 of the Official Plan states that generous amounts of open space shall be provided to facilitate recreational opportunities as well as maintain the open landscape character and image of the area. The proposed unenclosed deck is located in the rear yard of a permitted dwelling and will not have an impact on the open landscape character of the area.

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 R1-3-62 in the Town of the Blue Mountains Comprehensive Zoning By-law 2018-65. Permitted uses in the R1-3 zone include accessory apartment, group home, home child care, home business, and single detached dwelling.

Section 4.12 of Zoning By-law 2018-65 states that uncovered or unenclosed decks are permitted to project into any required yard a maximum distance of 1.5 metres. Exception 62 to R1-3-62 states that for single detached dwellings, the minimum rear yard setback shall be 7.5 metres where a rear lot line backs onto lands zoned Hazard or Private or Public Open Space. The lands adjacent to the subject site to the south are zoned Open Space. As such, with the permitted encroachment into a rear yard, a deck is permitted to have a minimum rear yard setback of 6.0 metres.

A small portion of the proposed deck (3.6 metres in width) will project into the minimum required rear yard by 1.8 metres and be set back from the rear lot line by 4.2 metres. The remaining portion of the deck would meet the minimum required setback from the rear lot line of 6.0 metres. The portion of the deck that is subject to the additional requested encroachment consists of a staircase and a landing. The reason for the request is to accommodate for more functional and usable space on the deck.

The purpose and intent of the encroachment provisions are to maintain the open space character of the neighbourhood and ensure sufficient separation distances are provided between land uses. It is noted that the proposed encroachment only occurs for a small portion of the deck, whereas the remaining portion maintains a setback of 6.0 metres from the rear lot line.

We are 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.

No changes are proposed to the existing two-storey single detached dwelling on the subject lands. The proposal pertains to the deck addition at the rear of the detached dwelling. As mentioned previously, the proposed deck requires relief from deck projection requirements as well as rear yard setback requirements outlined in the Town’s Zoning By-law 2018-65.

Only a small portion of the 1.22 metre high deck will project into the minimum required rear yard. We are of the opinion that the proposed deck will not create any negative adverse effects to the open space character of the neighbourhood and adjacent developments as adequate setbacks have been provided.

We are satisfied that this proposal is minor in nature.

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

We are satisfied that the proposal is desirable for the development and use of the lands. The proposed deck is compatible with the existing single detached dwelling and will not create any adverse effects to the surrounding neighbourhood.

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 and Design Inc.

Sierra Horton,
Planner, SGL Planning and Design Inc.

For more information, please contact:

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

In the matter of application for File No. **A08-2024** 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: 190 Courtland Street
Owner/ Applicant: Monica and John Kennedy
Purpose of Application:

The purpose of this application is to request a minor variance to subsection 4.12 of the Zoning By-law to permit:

1. A deck to encroach 3.3 metres into a required rear yard, or 4.2 metres from the rear lot line, whereas decks are permitted to encroach a maximum of 1.5 metres into a required rear yard, or 6.0 metres from the rear lot line.

DECISION:

THAT the Committee of Adjustment receive Staff Report PDS.24.034, entitled "Recommendation Report – Minor Variance A08-2024 – 190 Courtland Street";

AND THAT the Committee of Adjustment GRANT Minor Variance A08-2024.

Conditions and Reasons For Decision:

See Attached Schedule "A"

_____ Robert B. Waind Chairman	_____ Greg Aspin	_____ Michael Martin Vice Chairman	_____ Jim Oliver	_____ Duncan McKinlay
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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

