



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of Adjustment
Meeting Date: February 21, 2024
Report Number: PDS.24.035
Title: Recommendation Report – Minor Variance A09-2024 – 796363 Grey Road 19 (2535600 Ontario Ltd.)
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.24.035, entitled “Recommendation Report – Minor Variance A09-2024 – 796363 Grey Road 19 (2535600 Ontario Ltd.)”;

THAT the Committee of Adjustment GRANT a Minor Variance to Zoning By-law Subsection 4.1.1 b), regarding maximum gross floor area, for A09-2024 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.

AND THAT the Committee of Adjustment REFUSE a Minor Variance to Zoning By-law Subsection 4.1.1 c), regarding maximum permitted number of bedrooms, for A09-2024.

B. Background

The subject lands are located at 796363 Grey Road 19, adjacent to existing residential lands. It is noted that a building permit for the single detached dwelling has already been issued and construction is underway on the property. Minor variances are being sought, which will result in revisions to the building permit, to allow for an accessory apartment on top of the dwelling’s three-car garage, within the building’s approved envelope.

The owner is requesting minor variances to Subsections 4.1.1 b) and c) of the Zoning By-law to permit an accessory apartment with:

1. A gross floor area 54.5% that of the main dwelling, whereas a maximum of 50% is permitted; and
2. Three (3) bedrooms, whereas a maximum of two (2) is permitted.

It is important to note out the onset that subsection 4.1.1 c) of the Zoning By-law conforms directly to Official Plan policy B2.7 e), which limits the number of bedrooms in an accessory apartment to no more than two. A minor variance to subsection 4.1.1 c) of the Zoning By-law would therefore not conform to the Official Plan. In light of this, Town Staff has spoken with the applicant and they have agreed to reduce the number of proposed bedrooms within the accessory apartment to two, conforming to Official Plan policy B2.7 e) and complying with subsection 4.1.1 c) of the Zoning By-law.

For further context, it is noted that Section B2.7 e) of the Official Plan, capping the maximum number of bedrooms for accessory apartments to two, was proposed to be removed in Phase 1 of the Town's ongoing Official Plan Review process. A proposed Official Plan Amendment reflecting this change was brought forward to Council at its meeting on September 13, 2022, which was endorsed by Council in principle. This was a non-binding position endorsing the intent and direction of the comprehensive Official Plan Amendment, with the final decision being deferred to this term of Council. It is the Town's intent to eventually remove this provision from the Official Plan, as well as the Zoning By-law, which would allow the applicant to build three bedrooms as-of-right. However, at this time, this is not permitted and the minor variance seeking to increase the maximum number of bedrooms from two to three does not conform to the in-force policy of the Official Plan. As such, the remaining sections of this Staff Report focus on the other requested variance to maximum gross floor area.

Figure 1 illustrates a sketch of the proposed accessory apartment, which is located above a three-car garage. The floor plan for the accessory apartment will need to be updated to reduce the number of bedrooms to two.

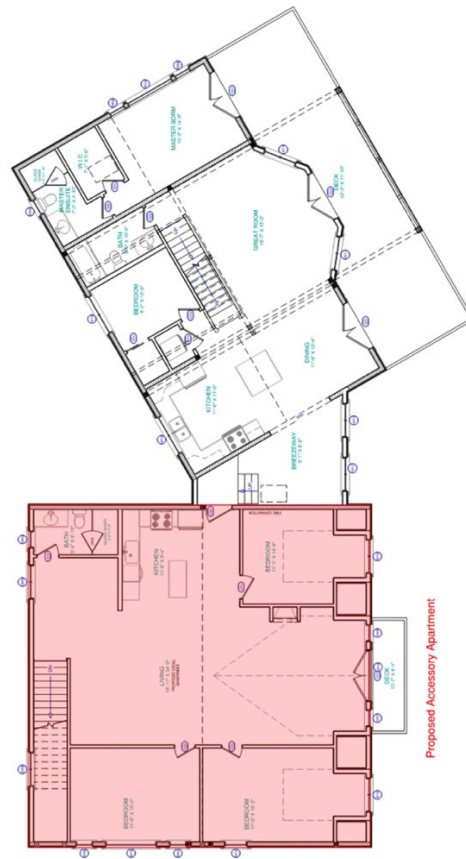


Figure 1. Site Plan Sketch of Main Dwelling and Accessory Apartment

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. We 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 in the 2016 Town of the Blue Mountains Official Plan. This land use designation is established to recognize areas within the Town where there is a mix of seasonal and permanent residential and recreational uses that support and provide access to resort and recreational amenities. Among others, permitted uses include single detached dwellings and accessory apartments in single detached dwellings.

Section B2.7 of the Official Plan sets out policies for accessory apartments. Section B2.7 d) requires the floor area of an accessory apartment be limited in the Zoning By-law. This provision is directly linked to the minor variance being sought from the Zoning By-law. We are satisfied the proposal as it relates to gross floor area 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 apartments. It is noted that the single detached dwelling has already obtained a building permit and minor variances to the Zoning By-law are requested only to permit the size of the proposed accessory apartment dwelling. Section 4.1.1 of the Zoning by-law sets out provisions for accessory apartment dwellings within a primary dwelling.

The applicant is requesting relief from Subsection 4.1.1 b), which limits the maximum floor area of the accessory apartment unit to no greater than 50% of the gross floor area of the main dwelling unit. The purpose of limiting the maximum floor area of accessory apartments is to ensure they remain accessory to the main dwelling. The proposed gross floor area is 54.5% of the gross floor area of the main dwelling unit, which we are satisfied is a minor increase and still meets the intent of the zoning provision.

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.

We are satisfied the proposal for a 4.5% increase of the maximum permitted gross floor area is minor in nature.

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

Due to the minor nature of the proposed variance for gross floor area, no impacts to the site or adjacent properties are expected. 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 for an increase in gross floor area for the accessory apartment dwelling meets all four tests for minor variance, and we recommend that this variance be granted. As noted above, we recommend that the variance for the additional bedroom be refused.

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

In the matter of application for File No. **A09-2024** 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: 796363 Grey Road 19
Owner/ Applicant: 2535600 Ontario Ltd.

Purpose of Application:

The purpose of this application is to request minor variances to subsections 4.1.1(b) and (c) of the Zoning By-law to permit and accessory apartment with:

1. A gross floor area 54.5% that of the main dwelling, whereas a maximum of 50% is permitted; and
2. Three (3) bedrooms, whereas a maximum of two (2) is permitted.

DECISION:

THAT the Committee of Adjustment receive Staff Report PDS.24.035, entitled "Recommendation Report – Minor Variance A09-2024 – 796363 Grey Road 19 (2535600 Ontario Ltd.);"

THAT the Committee of Adjustment GRANT a Minor Variance to Zoning By-law Subsection 4.1.1 b), regarding maximum gross floor area, for A09-2024;

AND THAT the Committee of Adjustment REFUSE a Minor Variance to Zoning By-law Subsection 4.1.1 c), regarding maximum permitted number of bedrooms, for A09-2024.

Conditions and Reasons For Decision:

See Attached Schedule "A"

_____ Robert B. Waing 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



**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.24.035.

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:

