



# Staff Report

---

## Planning & Development Services – Planning Division

**Report To:** Committee of Adjustment  
**Meeting Date:** February 21, 2024  
**Report Number:** PDS.24.036  
**Title:** Recommendation Report – Minor Variance A10-2024 – Block 38, Plan 16M24 (Primont)  
**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.24.036, entitled “Recommendation Report – Minor Variance A10-2024 – Block 38, Plan 16M24 (Primont)”;

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

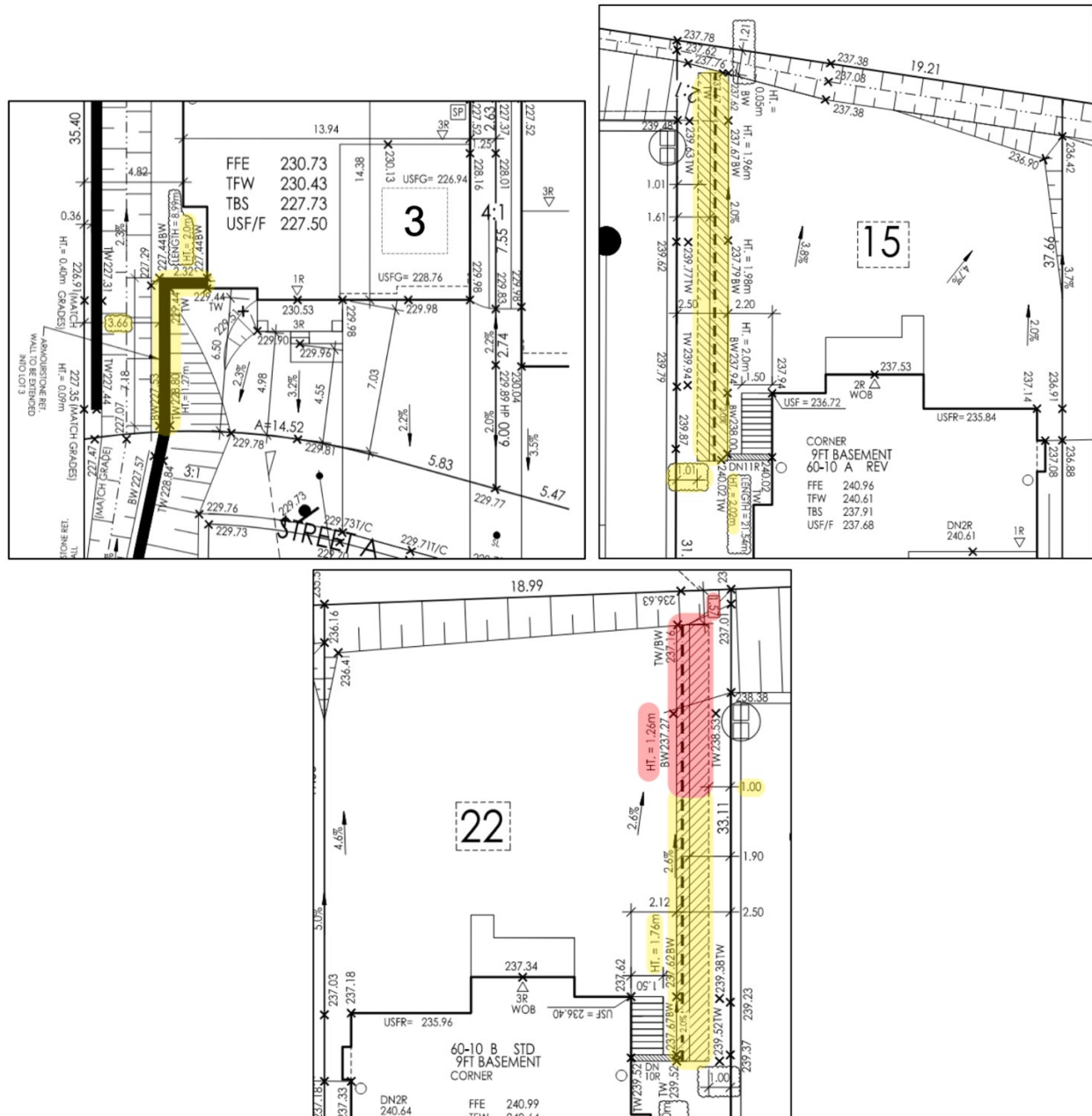
### B. Background

---

The subject lands are located at 140 George McRae Drive (Part 16M24 Block 38 Part Blocks 40 and RP 16R11712), at the end of George McRae Road just west of Camperdown Road. The lands are currently vacant with a site area of approximately 23,700 square metres (5.86 acres). The surrounding land uses include the Georgian Bay Golf Club and residential lands to the north, residential lands to the east including development along George McRae Road and Maryward Crescent, and rural lands to the south and west

It is worth noting that an approved draft plan of subdivision and condominium for 31 lots was issued for the subject lands (refer to File No. 42T-2018-13 and 42-CDM-2018-13B) and a Subdivision Agreement has been executed.

The owner wishes to construct retaining walls in the front yard, exterior side yard and rear yard within future Lots 3, 15 and 22 due to visual implications and to maximize the overall use of the lot. The retaining walls are also proposed to provide more appropriate stair and entry design for each respective lot. **Figure 1** highlights the proposed retaining walls on each lot.



**Figure 1. Site Plans Highlighting Retaining Walls**

Minor variances to subsection 4.3 d) of the Zoning By-law are required, which does not permit accessory buildings or structures to be located any closer to the front or exterior side lot line than the main building in the R1 Zone. A retaining wall is considered a “structure”. The following variances are required:

- A minor variance is required for Lot 3, as the retaining wall is set back 0 metres from the front property line;
- A minor variance is required for Lot 15, as the retaining wall is set back 1.01 metres from the exterior side yard; and
- A minor variance is required for Lot 22, as the retaining wall is set back 1.0 metres from the exterior side yard.

## 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 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 buildings and structures.

The proposed retaining walls support the development of three of the future lots within a Draft Plan of Subdivision/Condominium. Detailed engineering has determined the height and placement of the retaining walls to create more functional rear and side yards for the lots, without any adverse impact to the intended 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 (R1-3-42), Recreation Three (REC3) and Open Space (OS) in the Town of the Blue Mountains Comprehensive Zoning By-law 2018-65. While subsection 4.3 d) of the Zoning By-law does not permit accessory structures to be located closer to the front or exterior side lot line than a main building, section 4.13 permits retaining walls less than 1 metre in height to encroach up to 0.3 metres from a lot line. However, since the proposed retaining walls vary from 1.76 metres (Lot 22) to 2.0 metres (Lot 3) up to 2.02 metres (Lot 15), section 4.13 does not apply.

As noted by the applicant, the architect and engineer have worked with the topographic characteristics of the lots in relation to the grading of the condominium road to establish the proposed height and location of the retaining walls. The proposed retaining walls will allow for the creation of functional rear and side yards for the lots. While the retaining walls are taller than 1 metre in height, the Zoning By-law recognizes that shorter retaining walls are permitted to be located within 0.3 metres of a lot line. In the case of the lots that are subject to this

application, while taller retaining walls are proposed, the intent of the by-law is maintained in balancing the permission for retaining walls to be located in close proximity to lot lines with the provision of functional private amenity space for each lot.

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 location of the retaining walls abut a private condominium road and will have no impact to public roads or adjacent residential land uses. Their location provides better useable rear and side yards for the lots to be developed.

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

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

The retaining walls are proposed as part of a comprehensive development plan, where each lot has been planned appropriately and in accordance with the Draft Plan. The proposal will allow for the construction of retaining walls within limited front yards, exterior side yards and rear yards. According to the applicant, the construction of the retaining walls will benefit the future homeowner by allowing greater usable outdoor space and ease of access/entry design.

Therefore, 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](mailto:driley@sglplanning.ca)



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

In the matter of application for File No. **A10-2024** 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:** Plan 16M24 Block 38 Part Blocks 40 and RP 16R11712 Parts 1 and 2  
**Owner/ Applicant:** Primont (Peak Meadows) Inc.  
**Purpose of Application:** The purpose of this application is to request minor variance to subsection 4.3(d) of the Zoning By-law to permit the construction of retaining walls located:

1. Closer to the front lot line than the main building on Lot 3; and
2. Closer to the exterior side lot lines than the main building on Lots 15 and 22; and

**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	_____ Jim Oliver Vice Chairman	_____ 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



