



Staff Report

Planning & Development Services – Planning Division

Report To:	Committee of Adjustment
Meeting Date:	March 20, 2024
Report Number:	PDS.24.050
Title:	Recommendation Report – Minor Variance A13-2024 – 788277 Grey Road 13 (1000444835 Ontario Inc.)
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.24.050, entitled “Recommendation Report – Minor Variance A13-2024 – 788277 Grey Road 13 (1000444835 Ontario Inc.)”;

AND THAT the Committee of Adjustment GRANT a minor variance for A13-2024 subject to the following conditions:

1. 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. This variance shall expire on March 20, 2026.

B. Background

The subject lands total approximately 2.1 hectares (5.36 acres) in size and are located at 788277 Grey Road 13 at the southern end of Clarksburg. As shown in **Figure 1**, the property is generally located at the southwestern corner of the 10th Line and Grey Road 13 intersection. The lot has a frontage of 79 metres and is irregular in shape. A retreat centre currently exists on the subject property.

The applicant wishes to recognize the existing legal non-conforming private recreational use on the property, which was established prior to the approval to Zoning By-law 2018-65, and to permit the extension of such use. This will allow interior renovations to the existing building to proceed. The existing building is shown in **Figure 2**.



Figure 1. Aerial View of Subject Lands



Figure 2. Photo of Existing Building

The purpose of the application is to request the extension of the existing private recreational use to become the primary use on the subject property, in accordance with Section 45(2) of the Planning Act. The applicant has indicated the private recreational use has been operating on the property prior to when it was purchased by the current owner in June 2023. The previous owner expanded the private recreational use in 2019 after the current by-law came into effect. The current owner seeks to renovate existing bathrooms within the building associated with the private recreational use. A building permit is required to facilitate the interior renovations. The review of the permit application has triggered a zoning review, which has identified the previous expansion of the private recreational use having occurred after the zoning by-law came into effect. As such, an extension to the private recreational use is being sought under Section 45(2) of the Planning Act to reflect this prior extension of the use.

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. Section B2.4 of the Official Plan permits private recreational uses, such as the existing use, in most land use designations in Town, including the Community Living Area designation.

The majority of the subject lands are zoned Institutional (I) in the Town of the Blue Mountains Comprehensive Zoning By-law 2018-65. The northern triangle portion of the property is zoned Hazard (H). The Institutional Zone does not permit private recreational uses, and as such, the existing use is a legal non-conforming use since it was established prior to the Town's By-law coming into effect.

C. Analysis

Section 45(2) of the Planning Act outlines powers of the Committee of Adjustment distinct from those for granting minor variances. Under this section, and clarified through existing case law, the Committee of Adjustment may grant expansions to legal non-conforming buildings, structures, and uses provided the change does not result in undue adverse impacts to the surrounding neighbourhood and is desirable for the development and use of the lands. This type of request is not beholden to the four tests of minor variance.

Will the proposal result in undue adverse impacts to the surrounding neighbourhood?

The existing use on the property has been operating since 2003 and both the youth leadership development program and retreat components are considered private recreational use as defined in the Official Plan and Zoning By-law. The purpose of the application is to allow for interior renovations to proceed to the main building to support the previous expansion of the private recreational use that occurred in 2019 after the current Zoning By-law came into effect. According to the applicant, the plan is to renovate the washrooms within the existing building. No changes are proposed to the existing use or property.

Planning Staff are satisfied the proposal will not result in undue adverse impacts to the surrounding neighbourhood.

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

No changes to the use of the lands are proposed. Only interior renovations will occur to allow the private recreational use to continue operation.

Planning Staff is satisfied that the proposal is desirable for the development and use of the lands.

D. Attached

1. Draft Decision

Respectfully submitted,

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Report Approval Details

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Attachments:	- 7882778 Grey Road 13 Draft Decision (MV).docx
Final Approval Date:	Mar 15, 2024

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Shawn Postma was completed by delegate Adam Smith

Shawn Postma - Mar 15, 2024 - 9:53 AM