



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of Adjustment
Meeting Date: August 21, 2024
Report Number: PDS.24.116
Title: Recommendation Report – Minor Variance Application A32-2024 –
58 Bruce Street (Agucci and Nagy)
Prepared by: Manuel Rivera, Planner I

A. Recommendations

THAT the Committee of Adjustment receive Staff Report PDS.24.116, entitled “Recommendation Report – Minor Variance Application A32-2024 – 58 Bruce Street (Agucci and Nagy)”;

AND THAT the Committee of Adjustment GRANT a minor variance for A32-2024 subject to the following conditions:

1. That the site development be constructed in a manner substantially in accordance with the submitted site plan;
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 within two years, the variance shall expire on August 21, 2026.

B. Background

The subject lands are located at 58 Bruce Street South, adjacent lands are residential in nature throughout all directions. The lands are approximately 944.32 square metres (0.23 acres) in size. The subject lot contains an existing duplex of approximately 106.44 square metres facing South, a storage shed of approximately 9.29 square metres facing the West of the interior lot and a two-storey detached workshop/garage with an approximate gross floor area of 133.97 square metres facing North. The property has access to municipal water and sanitary services.

The property was initially zoned as Residential R2 Zone in the Town of Thornbury Zoning By-law (ZBL) No. 10-77. The property was amended from its original zoning to Residential R1 Multiple through Amendment 19-1987. This was pertaining to the minimum lot frontage, front yard, side yards along with minimum floor areas for bedroom units.

On April 21st, 2005, the property went through a minor variance (A06-2005) to increase their accessory lot coverage from five percent to nine percent to permit the construction of an accessory workshop/garage and garden shed. The Committee of Adjustment approved the variance on the condition that the then owners enter into an agreement with the Town. The purpose was to ensure that the workshop/garage shall not be used for human habitation and to be registered on title.

On May 19th, 2005, an additional report was brought forward to remove the condition of the then owners to enter into an agreement with the Town. In the previous meeting, they did not have any objection the condition at first. Upon further review, the then owners felt that the condition was unnecessary because Section 6.1 (i) of Town of Thornbury ZBL 10-77 states that accessory structures shall not be used for human habitation. It is noted by the then owners if the by-laws were to change it may hinder the future sale of the property. The Town stated these types of agreements were used as a precaution to ensure accessory structures are not habitable. Ultimately, the Committee of Adjustment waived the condition from the variance.

On December 15th, 2005, staff brought forth another report (A29-2005) to permit a height increase to from 4.5 metres to 4.8 metres. In Section 6.1 (iv) of the Town of Thornbury ZBL 10-77 the defined height is measured from the average finished grade at the front elevation to a point midway between the peak and eave of the roof. The staff report restated that the accessory structures are to be accessory to the principal structure and not for human habitation. The Committee of Adjustment approved of the variance for the height increase.

The current owner wishes to convert the existing two storey detached workshop/garage into a one bedroom, two storey Additional Residential Unit (ARU). No changes to the exterior will be made. Variances are required as the existing structure is larger, taller and located closer to an interior side yard setback.

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 (OP). Community Living Area encourages a broad range of housing opportunities to meet the Town's housing needs along with promoting efficient use of existing and planned infrastructure for residential intensification where appropriate (B.3.1.1). In addition to the housing types in this designation, it also permits accessory buildings or structures.

The conversion of the existing detached garage/workshop to an ARU would be reviewed against section B2.7 Accessory Apartments of the Town OP. As the accessory building is

existing, it will not change the character of the neighbourhood. The subject property has sufficient space to provide one additional parking space for an Accessory Apartment. The number of bedrooms that is being proposed is one and has access to municipal water and sewer services. The existing accessory structure is within proximity of the main building.

Planning Staff is 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 R1-1 in the Town of the Blue Mountains Comprehensive Zoning By-law (ZBL) 2018-65. The R1-1 zone has an ARU as a permitted use in Table 6.1 of the ZBL. Table 6.2.1 in the ZBL contains lot setbacks which creates the buildable area of the lot where development can occur. The existing workshop/garage is currently setback 1.56 metres in which the minimum interior side yard setback is 2 metres which is 0.44 metres difference from the minimum required setback.

ARUs are required to adhere to the provisions Section 4.1 of the ZBL. The lot does have access to municipal water and sanitary services. The proposed bedroom in the ARU is one bedroom. The location of the newly proposed use meets the minimum yard setback for ARU and will maintain its existing accessory lot coverage. The ARU is within 50 metres from the main building. The reliefs that they are seeking is to increase maximum gross floor area from the 100 square metres to 133.97 square metres and a height increase from the existing 5 metres to 7.16 metres.

Planning Staff is 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 or area. The proposed change is not anticipated to have adverse impacts on the adjacent properties due to the accessory structure is already existing. Municipal services are available the subject lands and sufficient parking to add one additional vehicle.

Planning Staff is satisfied that this proposal is minor in nature.

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

In the Provincial Policy Statement (PPS) applies to this proposal. The property is considered “Settlement Area” under the PPS. Section 1.3.1.1 states that settlement areas are to focus on growth and development. Section 1.1.3.2 encourages a variety of land use patterns based on density, that is appropriate and efficiently use the existing infrastructure that is available. This proposal meets this objective of the PPS.

Section A3.10 of the Town OP notes that goal for housing to provide appropriate supply of housing choices to meet the needs of the present and future residents. The strategic objectives that ensure that full range of housing opportunities is available for the residents in the Town (A3.10.2). The proposal for this variance is meeting intent of Section A3.10.

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

Based on the above comments, Planning Staff is satisfied that the proposal can meet all four tests for minor variance.

D. Attached

1. Draft Decision

Respectfully submitted,

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Report Approval Details

Document Title:	PDS.24.116 Recommendation Report - Minor Variance Application A32-2024 - 58 Bruce Street (Agucci and Nagy).docx
Attachments:	- A32-2024 Draft Decision.pdf
Final Approval Date:	Aug 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 - Aug 15, 2024 - 8:53 AM