



# Notice of Decision and Right to Appeal

**This is a notice about the decisions from the July 17, 2024, Committee of Adjustment Meeting.**

A certified copy of the Committee of Adjustment's decision is attached to this notice.

**If you disagree with this decision, you may file an appeal with the Ontario Land Tribunal (OLT).** An appeal must include the required Appellant Form and the required Fees made out to the Minister of Finance. The Appellant Form must also set out the objection to the decision and the reasons in support of the objection. Please note, only the applicant, public bodies with an interest in the matter, the Minister of Municipal Affairs and Housing, and 'specified persons', as defined by the Planning Act, are permitted to appeal decisions related to minor variance applications. These are recent changes that have been made to the Planning Act by the province.

The Appellant Form and fees must be delivered in person or by registered mail to the Secretary-Treasurer of the Committee of Adjustment:

Secretary-Treasurer  
Committee of Adjustment  
Town of The Blue Mountains  
32 Mill Street, P.O. Box 310  
Thornbury, ON, N0H 2P0

**The last date for filing an appeal for a minor variance decision is August 6, 2024, by 4:30 pm.**

More information about how to file an appeal, including the forms and fees, is available on the Ontario Land Tribunal website at <https://olt.gov.on.ca/>.

If there is an appeal to the Ontario Land Tribunal, except where all appeals are withdrawn, a hearing will be held and notice will be given to the Applicant, the Appellant, the Secretary-Treasurer of the Committee, and to anyone else as determined by the Ontario Land Tribunal.

If no appeal on this decision is received within twenty days of the decision, the decision of the Committee is final and binding. The Secretary-Treasurer will notify the Applicant and file a certified copy of the decision with the Clerk of the Town of The Blue Mountains.



Town of The Blue Mountains  
Committee of Adjustment  
Decision

In the matter of application for File No. **A31-2024** to consider a variance to the Town of The Blue Mountains Comprehensive Zoning By-law 2018-65, as amended and permission to expand a non-conforming structure.

**Date of Hearing:** July 17, 2024  
**Property Location:** 128 Happy Valley Road  
**Owner/ Applicant:** Carly Inc.  
**Purpose of Application:**

The purpose of this application is to request permission for the expansion of a non-conforming deck and a minor variance to Section 6.2 of the Zoning By-law to permit:

- 1. The expansion of an existing uncovered deck located within the required rear yard setback;
- 2. A covered deck to be located 4.26 metres from the rear lot line, whereas 9.0 metres is required; and
- 3. A covered deck to be located 1.32 metres from the interior side lot line, whereas 2.0 metres is required.

**DECISION:**

THAT the Committee of Adjustment GRANT Application **A31-2024** to permit the expansion of an existing deck with covered and uncovered portions.

Conditions and Reasons For Decision:

*See Attached Schedule "A"*



Robert B. Waind      Jim Oliver      Michael Martin      Ian Pratt      Duncan McKinlay  
Chairman      Vice Chairman

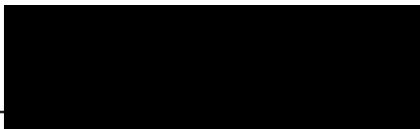
**Date of Decision:** July 17, 2024

**\*The last date for filing an appeal to the decision is August 6, 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: July 17, 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 July 17, 2026.

REASON FOR DECISION:

The Committee has reviewed the request as it relates to the four tests for minor variance of S.45. (1) and S.45. (2)(a)(i) of the Planning Act, as noted in the Planning and Development Services Staff Report PDS.24.114.

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:

