



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of Adjustment
Meeting Date: December 18, 2024
Report Number: PDS.24.150
Title: Recommendation Report – Minor Variance A40-2024 – 140 Venture Blvd. (Clerici)
Prepared by: Manuel Rivera, Planner I

A. Recommendations

THAT the Committee of Adjustment receive Staff Report PDS.24.150, entitled “Recommendation Report – Minor Variance A40-2024 – 140 Venture Blvd. (Clerici)”;

AND THAT the Committee of Adjustment GRANT a minor variance for A40-2024 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 December 18, 2026.

B. Background

The subject lands are located at 140 Venture Boulevard surrounded by residential dwellings in all directions. The lands are approximately 920.9 square metres (0.23 acres) in size which includes a 298.1 square metres detached dwelling, 3.9 square metres hot tub, 13.4 square metres accessory structure (pergola), existing hardscape throughout the property and mature vegetation in the rear yard.

The owner wishes to construct a new 14.9 square metres accessory structure (gazebo) which will result in the removal of the existing pergola. This new accessory structure will exceed the permitted maximum lot coverage and therefore a variance has been requested for the following:

1. To increase maximum lot coverage from 30% to 33.9%

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 Recreational Resort Area (RRA) in the 2016 Town of the Blue Mountains Official Plan. The objective behind this designation is to recognize areas within the Town where there is a mix of seasonal and permanent residential and recreational uses (B3.7.1). Permitted uses include single detached dwellings along with accessory buildings and structures.

The purpose of the gazebo will serve as a space for outdoor gatherings while enhancing the property's natural aesthetics. It will be secondary to the main building on the property and will not to be used for human habitation. The proposed accessory structure will be maintaining the characteristics of the RRA designation and neighbourhood.

Planning Staff are 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 (R1-1) in the Town of the Blue Mountains Comprehensive Zoning By-law 2018-65. The variance that is being requested is to increase the maximum lot coverage from 30% to 33.9% from Table 6.2.1. In the Zoning By-law lot coverage is defined as a *means the percentage of the lot area covered by all buildings and structures, but not including an in-ground pool or deck*. The purpose of this provision is to balance development and open spaces while preserving the property's environmental and natural aesthetics.

Currently, the property has a maximum lot coverage of 33.8% that is comprised of the existing dwelling and pergola, which take up approximately 32.37% and 1.46% of the total lot area respectively. The proposed gazebo will take up roughly about 1.6% of the total lot area and removing the existing pergola will result in a new maximum lot coverage of 33.9%, which is a 0.1% increase from the current lot coverage. The existing hot tub is not included in the lot coverage, as it is classified as a swimming pool under the zoning by-law. The swimming pool provisions states that it will not be included in the lot coverage if the pool or its railings protrude more than 1.2 metres above the ground level surrounding the pool (4.35 c)). The existing hot tub does not contain any railings and has a height of 0.9 metres which is under 1.2 metres and therefore it will not be part of the lot coverage.

The proposed gazebo will be located behind the main building, maintaining the interior side yard and rear yard setbacks, adhering to the allowable maximum height of 4.5 metres and

within the 10% accessory lot coverage for building and structures in the R1 zone as specified under Section 4.3 of the zoning by-law.

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, uses, or area. The proposed gazebo will be smaller in size, height and located behind the main building, meeting the minimum lot setbacks and maintaining the maximum height for accessory structure. The existing vegetation on the property will provide sufficient screening from the property to the north and providing additional privacy.

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

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

Planning Staff is satisfied that the proposal is desirable for the development and use of the lands. The proposed gazebo will maintain the character of the neighbourhood.

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,

Manuel Rivera
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Report Approval Details

Document Title:	PDS.24.150 Recommendation Report - Minor Variance Application A40-2024 - 140 Venture Blvd. (Clerici).docx
Attachments:	- A40-2024 Draft Decision.docx
Final Approval Date:	Dec 11, 2024

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

Shawn Postma - Dec 11, 2024 - 11:24 AM