



# Staff Report

## Planning & Building Services – Planning Division

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**Report To:** Committee of Adjustment  
**Meeting Date:** March 19, 2025  
**Report Number:** PBS.25.017  
**Title:** Recommendation Report – Minor Variance A02-2025 – 150 Bay Street East (Edwards)  
**Prepared by:** Manuel Rivera, Planner I

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### A. Recommendations

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THAT the Committee of Adjustment receive Staff Report PBS.25.017, entitled “Recommendation Report – Minor Variance A02-2025 – 150 Bay Street East (Edwards)”;

AND THAT the Committee of Adjustment GRANT an expansion to a legal non-conforming use under Application A02-2025 in order to permit a 4.5 square metre addition in the southwest corner of the existing dwelling, and to increase the maximum lot coverage by 0.7% 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 March 19, 2027.

### B. Background

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The subject lands are located at 150 Bay St East abuts the Georgian Bay at the rear yard of the property, surrounded by residential homes in the remaining direction. The subject lands are approximately 599 square metres (0.14 acres) in size with a frontage of approximately 16.67 square metres along Bay Street East. The property contains an existing 219 square metre two storey single detached dwelling with an existing deck and pool both located in at the rear of the dwelling and mature vegetation along interior side yards.

This property was previously subject to various planning applications. The first being in 1998, for a zoning by-law amendment (By-law No. 98-49) to recognize the dwelling being located 1.45 metres from the western interior side lot line (1.5 metres was required) setback and to recognize an existing deck to be located 0 metres from the rear lot line where the minimum required distance was 1.2 metres. The existing deck may be permitted within the Hazard zone

and outside of the municipal shoreline allowance. These characteristics are still present on this property.

The second planning application was a minor variance (A07-2010) in 2010. The purpose was to reduce minimum rear yard setback from 10 metres to 7.2 metres from the Town of Thornbury Zoning By-law 10-77. This was to permit the construction of a 12.6 square metre addition located on northeast portion of the dwelling. This application appeared before the Committee of Adjustment and the Committee granted approval for this variance.

The most recent planning application was also a minor variance (A26-2021) in 2021. The purpose of this variance is to reduce the rear yard setback from 9 metres to 7.26 metres from the Town of The Blue Mountains Zoning By-law 2018-65. This was to permit a 10.6 square metre addition to be located on the northwest portion of the dwelling. This application appeared before the Committee of Adjustment and the variance was approved. The owner now wishes to construct a 4.5 square metre addition to be located on the southwest portion facing the front of the building (road side). Due to this addition, it will require another increase of the existing maximum lot coverage.

All previous Zoning By-law Amendments and Minor Variances described above have been eliminated with the passing of the new Comprehensive Zoning By-law 2018-65, and the passed expiration dates on new Minor Variances. All previous amendments and variances have now placed the building into a non-conforming status, and the Committee can consider this current application as an expansion to a legal non-conforming building.

## **C. Analysis**

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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 proposed addition will still be maintaining the existing setbacks, maximum height and will not disturb the existing vegetation on the west which provides privacy to the adjacent lands. The subject property currently has an existing lot coverage from 36.6 % and with the proposed addition it will increase the lot coverage to 37.3%. This will be an increase to 0.7% which could be considered minimal.

The owner also noted on the site plan drawing that they are also proposing construct a deck that will be attached to the front of dwelling. In the current zoning by-law, decks are exempt from lot coverage. Also, Section 4.12 of the zoning by-law permits decks to project into any yard of a maximum distance of 1.5 metres. The deck appears to comply with the deck provisions of the zoning by-law.

Planning Staff is satisfied that that the proposal will not undue the adverse impacts to the surrounding neighbourhood.

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

The proposed additions will be slightly expanding the building footprint. The addition to the main building will be maintaining the character of the neighborhood and not disturb the existing vegetation on the property.

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

**Conclusion**

Based on the foregoing, Planning Staff has no objections to the proposed request for expansion for a legal non-conforming use.

**D. Attached**

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1. Attachment 1

Respectfully submitted,

Manuel Rivera  
Planner I

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**Report Approval Details**

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Final Approval Date:	Mar 13, 2025

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

**Shawn Postma - Mar 13, 2025 - 10:38 PM**