



Staff Report

Planning & Building Services – Planning Division

Report To: Committee of Adjustment
Meeting Date: March 19, 2025
Report Number: PBS.25.019
Title: Recommendation Report – Minor Variance A04-2025 – 125 Blue Mountain Drive (Maaskant)
Prepared by: Manuel Rivera, Planner I

A. Recommendations

THAT the Committee of Adjustment receive Staff Report PBS.25.019, entitled “Recommendation Report – Minor Variance A04-2025 – 125 Blue Mountain Drive (Maaskant)”;

AND THAT the Committee of Adjustment GRANT minor variance A04-2025 in order to permit deck stairs to be located 8.08 metres from the 177.9 GSC Elevation line subject to the following conditions:

1. The positive comments are received from Grey Sauble Conservation Authority regarding hazards associated with Georgian Bay and a permit can be obtained, if required;
2. That the site development be constructed in a manner substantially in accordance with the submitted site plan;
3. 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. Overview

The subject lands are located at 125 Blue Mountain Drive which abuts Georgian Bay to the north and residential homes to the east, west and south. The lands are 1,659.21 square metres (0.41 acres) in size with 30.48 metres of frontage along Blue Mountain Drive. The property contains a two storey detached dwelling that is approximately 267.18 square metres in size. Mature vegetation exists throughout the remainder of the property. The subject lands are within an area regulated by the Grey Sauble Conservation Authority (GSCA) and a permit from their office may be required.

The property was previously subject to a minor variance (A51-2023) in December 2023. The purpose this variance to reduce the 15 metres of the G.S.C. 177.9 elevation of the Georgian Bay to 8.46 metres. This was to remove their existing deck that is located 7.84 metres from the

G.S.C. 177.9 elevation and replace with a new addition, deck and stairs in its place. This application was brought forward to the Committee of Adjustment, Planning Staff recommended approval and also received positive commentary from the GSCA. The Committee granted approval to reduce the 15 metres setback from the G.S.C. 177.9 elevation to the requested variance. This variance approval remains in effect and will expire in December 2025.

The owner now wishes to adjust the previously approved deck stairs that were approved at 8.46 metres from the 177.9 elevation to now at 8.08 metres from the 177.9 elevation. This variance essentially is to permit an additional 0.38 metre encroachment.

Both the 2023 Minor Variance and the current Minor Variance application are considered as an expansion to a legal non-conforming single detached dwelling. As of result, the requested application today is to seek approval for proposed deck stairs to be located 8.08 metres from the G.S.C. 177.9 elevation.

The 2023 decision remains in effect and will be considered alongside the decision to this variance. If approved, both variances will be considered through a building permit application.

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 relocation of the deck stair will still be within the disturbed developed area of the subject lands. The proposal is to reduce the approved 8.46 metres to 8.08 metres, which is 0.38 metres which is a minimal decrease. The relocation of the deck stairs is located 8.08 metres which is still further than the closest point of the existing deck which is 7.84 metres from the G.S.C. 177.9 elevation from Georgian Bay. Commentary from the GSCA will be critical to determine the impact that relocation of the deck stair will have on the hazards that exist on the Georgian Bay. If the GSCA commentary finds the relocation of the deck stair favorable, then, Planning Staff are satisfied that the proposal result will not undue adverse impact to the surrounding neighbourhood.

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

The proposal will reflect the changes the relocation of the deck stairs that will provide different access point to the deck and existing dwelling which will not obstruct view of the Georgian Bay.

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

D. Attached

1. Attachment 1

Respectfully submitted,

Manuel Rivera
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Report Approval Details

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

Shawn Postma - Mar 13, 2025 - 10:42 PM