



Staff Report

Planning & Building Services – Planning Division

Report To: Committee of Adjustment
Meeting Date: June 18, 2025
Report Number: PBS.25.047
Title: Recommendation Report – Minor Variance A11-2025 – 229 Brophy's Lane (Powers)
Prepared by: Manuel Rivera, Planner I

A. Recommendations

THAT the Committee of Adjustment receive Staff Report PBS.25.047, entitled "Recommendation Report – Minor Variance A11-2025 – 229 Brophy's Lane (Powers)";

AND THAT the Committee of Adjustment GRANT a minor variance for A11 – 2025 to permit the reconstruction of the existing dwelling with a new addition utilizing the existing foundation and located closer to the westerly side lot line and within the wave uprush from Georgian Bay.

1. Confirmation from Grey Sauble Conservation Authority that a permit can be obtained;
2. That the site development be constructed in a manner substantially in accordance with the submitted site plan;
3. That the Owner complete an archaeological assessment, or receive confirmation that an assessment is not required to the satisfaction of the Saugeen Ojibway Nation; and
4. 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 June 18, 2027.

B. Background

The subject lands are located at 229 Brophy's Lane, adjacent to Georgian Bay to the north and residential uses to the east, south and west. The subject lands are approximately 2,804 m² (0.69 acres) in size with an existing lot frontage of 15.24 m along Brophy's Lane. The lands were previously subject to lot boundary adjustments to realign side lot lines for a number of lots in the area. To confirm the actual lot lines for the subject lands, the Owner had a topographic survey completed by Rudy Mak Surveying Ltd. on August 16, 2024. The property contains an existing 137 m² two storey single detached dwelling with an attached deck balcony with a 1.7 m² detached shed on the property. The subject lands are currently in a natural vegetated state, gentle slopes throughout the entire property and contains some mature vegetation along the

north, east and south. The property is within the jurisdiction of the Grey Sauble Conservation Authority (GSCA) which will require a permit prior to site alteration or building permit.

In 2019, an application (A22-2019) was brought forward to Committee of Adjustment requesting a reduction from the interior side yard setback from 2.0 m to 1.0 m. Commentary at that time from GSCA noted that the application is within the 15.0 m setback from 177.9 m G.S.C elevation as per Section 4.33 of the zoning by-law and an additional variance would be required. GSCA recommended deferral to allow the applicant additional time to revise the application to include Section 4.33 of the Zoning By-law 2018-65. Planning Staff recommended deferral to include this additional variance and to provide proper notice in accordance with the Planning Act. The Committee deferred the decision and notified internal departments and agencies of this decision. There was no deadline date to bring this matter back to the Committee for consideration. The Committee outlined the following matters be addressed by the applicant prior to the file being brought back for deliberation:

1. Positive written comments are received by the Town from the Grey Sauble Conservation Authority, confirming that their concerns outlined in correspondence dated November 19, 2019, have been satisfactorily addressed; and
2. That the application be amended to include an additional variance request for relief from the 15.0 m setback to the 177.9 m GSC elevation of Georgian Bay, as required by Section 4.33.2 of the Zoning By-law 2018-65. Be further advised that re-circulation of the Public Notice is required prior to the file being heard by the Committee due to the additional variance request.

Since the Committee decision, the Owner has undertaken engineering design work to review the hazards identified by the Conservation Authority regarding the wave uprush area. The Owner has indicated that a solution has been agreed to and supported by the Conservation Authority. The Owner has recently submitted (but not yet obtained) a Conservation Authority Permit for the proposed works. At the time of writing this report the Town has not yet received comments from the Conservation Authority. As such a condition should be added to an approval decision to ensure that the Conservation Authority is satisfied and that a Permit is issued from their office.

This application is being brought forward to the Committee of Adjustment which they are requesting the following variance:

1. To permit an encroachment into the 177.9 m G.S.C. elevation adjacent to Georgian Bay that is located 28.5 m from the rear lot line;
2. To permit a reduction from the minimum interior side yard setback from 2.0 m to 1.0 m;

The purpose of this variance is to reconstruct the existing dwelling with a new addition that will be using the existing foundation. The proposed home is located closer to the westerly side lot line and within the wave uprush from Georgian Bay.

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 “Residential Recreational Area” in the 2016 Town of the Blue Mountains Official Plan. The purpose of the RRA designation is to recognize areas within the Town that contain a mix of seasonal and permanent resident and recreational uses along with recognizing areas where some residential uses are located to support and provided to resort and recreational amenities (B3.7.1). Single detached dwelling is a permitted use in the RRA designation (B3.7.3).

Section C12 to the Official Plan recognizes the hazards associated with properties along Georgian Bay. The shoreline flood prone area of Georgian Bay is defined by the 100- year flood line (177.9 GSC elevation) plus an allowance for wave uprush and other water related hazards. This area is regulated for the construction of buildings under Ontario Regulation 151/06 administered by the Grey Sauble Conservation Authority. (Note: A permit from the Conservation Authority is required prior to the construction of buildings in the regulated area).

Provided that a permit can be issued by the Grey Sauble Conservation Authority for the construction in the wave uprush area, 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 first variance requested is from section 4.32.2 (a) (i) of the zoning by-law. It is to permit an encroachment into the 177.9 m G.S.C. elevation adjacent to Georgian Bay that is located 28.5 m from the rear lot line. The intent of section 4.32.2 is to ensure adequate protection against potential impact against wave uprush from Georgian Bay. Commentary from the GSCA will be critical to determine if proposal is satisfactory that addresses the concerns dated on November 19, 2022.

The second variance is from Table 6.2.1 of the zoning by-law is to reduce the minimum interior side yard setback from 2.0 m to 1.0 m. The purpose of a side yard setback is to ensure and maintain privacy between neighboring properties and ensure adequate spacing between buildings. The existing main building currently has a setback of 1.0 m from on the westerly side lot line and reconstruction of the existing dwelling will not encroach any further.

The existing lot coverage is 4.9% which is comprised of the existing single detached dwelling and shed. The reconstruction of the single detached dwelling will be approximately 149 m² with a proposed lot coverage 5.3% which is within the maximum lot coverage in the R1-1 zone. The

applicant has noted that the shed will be removed. The reconstruction will have an overall height 8.9 m from finished grade to the ridge of the roof.

Provided that positive written comments are received from the GSCA, Planning Staff are 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. As previously stated, reduction of the interior side yard setback will not further encroach onto the adjacent property to the westerly side lot line. It is still maintaining lot coverage and remaining lot standards of the R1-1 zone.

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 are satisfied that the proposal is desirable for the development and use of the lands. The reconstruction of the existing dwelling will be utilizing the existing foundations along with raising the floor levels as the property has variation of the 177.9 elevation which will assist with wave up rush from Georgian Bay. The proposal will be maintaining the characteristic of the neighbourhood.

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

D. Attached

1. Draft Decision

Respectfully submitted,

Manuel Rivera
Planner I

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Report Approval Details

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Attachments:	- A11-2025 Draft Decision.docx
Final Approval Date:	Jun 11, 2025

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

Shawn Postma - Jun 11, 2025 - 3:37 PM