



Staff Report

Planning & Building Services – Planning Division

Report To: Committee of Adjustment
Meeting Date: October 22, 2025
Report Number: PBS.25.096
Title: Recommendation Report – Part Lot 13-15 Alfred Street and Part Lot 15 Napier Street (Lamperstorfer)
Prepared by: Manuel Rivera, Planner I

A. Recommendations

THAT the Committee of Adjustment receive Staff Report PBS.25.096, entitled “Recommendation Report – Minor Variance A20-2025 – Part Lot 13-15 Alfred Street and Part Lot 15 Napier Street (Lamperstorfer)”;

AND THAT the Committee of Adjustment GRANT minor variance A20-2025 in order to permit the construction of a 1,600 m² single detached dwelling, with a proposed height of 11 m along with two (2) detached accessory apartments, each 120 m² in size, 5.5 m in height, and containing three (3) bedrooms. One of the accessory apartments is proposed to be located up to 90 m from the primary dwelling while the other is situated within that distance.

1. That a permit be obtained from the Grey Sauble Conservation Authority, prior to the submission of a building permit application along with any other additional requirements and/or permits, if required;
2. That an adequately dimensioned site plan sketch depicting the location of the proposed dwelling and accessory buildings to the satisfaction of the Town; and
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 October 22, 2027.

B. Overview

The subject lands are located at the northeast corner of the intersection of Beaver Creek S and 10th St, and are legally described as: TOWN PLOT PARK PT LOT 13 TO PT LOT 15, ALFRED PARK PT LOT 15, NAPIER RP 16R503 PART 3, LESS PART OF PT LOT 13 RP 16R2744. The subject land is irregular in shape, contains a watercourse that is located in the rear yard of the property and portion of the lands is being used for agricultural purposes. Portions of the property are within the Grey Sauble Conservation Area (GSCA) regulated area which will require a permit from their office for development on the property.

A recommendation report ([PDS.19.34](#)) was brought forward to Committee of Adjustment on March 20, 2019 to permit the construction of a (3) three storey single-detached dwelling with a maximum height of 11 m and an accessory structure with a maximum height of 16 m. Due to this proposal, the following relief was requested Town of Thornbury Zoning By-law 10-77:

1. To permit a maximum height of three (3) storeys for a Single Detached Dwelling, whereas Section 13.2(a) of the By-law permits a maximum height of 2.5 storeys in the *Development (D)* zone;
2. To permit a maximum height of 16.0m for a detached accessory structure (enclosed tennis court), whereas Section 6.1(iv) permits a maximum height of 4.5m for accessory structures; and
3. To permit a maximum building height of 11.0m and 16.0m for a single detached dwelling and a detached accessory structure, respectively, whereas Section 6.3(a) permits a maximum building height of 10.5m for all structures.

The Committee refused the proposal as it did not meet the four tests of the minor variance.

The owner appealed the Committee decision to Ontario Land Tribunal (then Local Planning Appeal Tribunal). In the commencement of the hearing the Tribunal, the owner noted that they were no longer seeking relief for the increase in height of the accessory structure. As a result, the application was amended, with the following conditions:

1. That an adequately dimensioned site plan sketch depicting the location of the proposed dwelling and its associated driveway access to Beaver Street South is provided with the future building permit application, to the satisfaction of the Town of Blue Mountains Building Services Division;
2. That any permits required for the development are applied for and received from the Grey Sauble Conservation Authority, prior to the submission of a building permit application; and
3. The variance of the zoning by-law is for the purpose of obtaining a building permit and is valid for a period of two years from the date of the decision only. If a building permit has been issued by the Town within two years, the variance shall expire on July 5, 2021.

Based on the evidence that was provided, the Tribunal granted approval as the proposed application met the four tests of the minor variance.

On May 14, 2025, the owner provided a written and verbal deputation to Town Council requesting what can be done with the subject lands. The owner provided numerous suggestions of what can be done on these lands. Council directed Town Staff to prepare a report in response to the deputation with options. August 26, 2025, Town Staff provided an information report in response ([PBS.25.061](#)) to Council with options that the owner may consider.

An application has been received for a minor variance. The purpose of this application is to construct a 1,600 m² single detached dwelling, with a proposed height of 11 m, which will include an indoor tennis court as part of the residence. The proposal also includes two (2)

detached accessory apartments, each 120 m² in size, 5.5 m in height, and containing three (3) bedrooms. One of the accessory apartments is proposed to be located up to 90 m from the primary dwelling while the other is situated within that distance.

1. The effect of this application is to request a minor variance from Sections 6.3 (a), 6.20, 6.20 (b) (iii), 6.20 (b) (vi) and 6.20 (b)(vii) of the Zoning by-law;
2. Increase the maximum permitted height of the primary dwelling to 11 m, whereas Section 6.3(a) permits a maximum of 10.5 m;
3. Permit two (2) detached accessory apartments, whereas Section 6.20 permits a maximum of one (1) in the Development 'D' zone;
4. Increase the maximum number of bedrooms per accessory apartment to three (3), whereas Section 6.20(b)(iii) permits a maximum of two (2) bedrooms;
5. Permit the accessory apartments to be located 90 metres from the primary dwelling, whereas Section 6.20(b)(vi) permits a maximum distance of 50 m; and
6. Increase the maximum permitted height of the accessory apartments to 5.5 m, whereas Section 6.20(b)(vii) permits a maximum of 4.5 m.

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 Future Secondary Plan (FSP) Areas and Hazard (H) in the 2016 Town of the Blue Mountains Official Plan. The purpose of this designation is to identify lands within the settlement area boundary that are intended for future development, when additional land is needed to support growth. Lands within this designation must undergo a comprehensive secondary plan process to determine appropriate land uses and a suitable municipal servicing strategy. Interim use of these lands is permitted, provided that any buildings, structures, or uses are developed in a way that does not compromise the long-term development potential of the area (Section B3.13.1). Permitted uses include one (1) single detached dwelling per lot along with accessory buildings and/or structures.

Section B5.4 discusses policies for lands designated H. These policies aim to limit development to protect human safety and environmental integrity. Section B5.4.1 outlines permitted uses, and Section B5.4.2 states that proposed development must meet specific criteria. Buildings or structures must generally be set back at least 30 m from lakes and watercourses (B5.4.2 (d)).

The proposal is to construct a single detached dwelling along with 2 detached accessory buildings on the subject lands with respect to preserving the long-term development potential of the lands and avoidance of hazard lands. It is recommended that through the building permit process, that a site location plan be provided to ensure that proposed buildings are located outside of the hazard lands.

Planning Staff is therefore 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 Development “D” zone in the Town of the Blue Mountains Comprehensive Zoning By-law 2018-65. Section 1.5 g) of the by-law states the provisions of the former Town of Thornbury By-law 10-77, and Township of Collingwood By-law 83-40 shall continue to apply to those lands in the Development (D) Zone, as shown on Schedule ‘A’ to this By-law. The subject land would require to adhere to the Town of Thornbury Zoning By-law 10-77. In the former by-law, the subject lands are designated as Development (D).

Section 13 of the zoning by-law provides the provisions that are associated with the D zone. A single detached dwelling is a permitted use with a maximum height of 2.5 storeys. Section 6.3 a) of this By-law notes that the *no buildings shall exceed a height of 10.5 m, except as otherwise provided for in this By-law*. The purpose of this provision is to promote a consistent built form that reflects the character of the neighbourhood, prevents overcrowding, and ensures new development is appropriate for its context. The variance that is requested is 11 m which is a 0.5 m increase in height which is only for the single detached dwelling.

Section 6.20 discusses the provisions for accessory apartments must comply with. The following are the variances that are being requested with respect to this provision.

Section 6.20 permits a maximum of one (1) detached accessory apartment in the ‘D’ zone whereas the request is to increase the maximum number to two (2) detached accessory apartments. The intent of this provision was to control neighbourhood density, maintain the character of residential area and control development process. The applicant has requested to construct 2 detached accessory apartments with an area of 120 m².

Section 6.20(b)(iii) permit a maximum of two (2) bedrooms per accessory apartment whereas the request is to increase the maximum number to three (3) bedrooms per apartment. Planning staff has no objection to the proposed variance, provided that each accessory building includes sufficient floor area to accommodate private kitchen and bathroom facilities. The proposed units, each with a floor area of 120 m², with the intent to support 3 bedrooms along with dedicated kitchen and bathroom amenities

Section 6.20(b)(vi) permits a maximum distance of 50 m from the primary dwelling whereas the request is to increase the distance to 90 m. The intent of this provision is to keep the accessory building to be in close proximity to the main building and within existing building cluster. In accordance with the proposed conceptual site plan, only one of two accessory apartment is 90 m away from the main building, increasing the distance by 40 m but will be within the proposed building cluster. While the remaining accessory apartment is located within the proposed distance.

Section 6.20(b)(vii) permits a maximum of 4.5 m for accessory apartments whereas the request is to increase the height to 5.5 m. The intent of this provision is to ensure that a detached accessory apartments remains subordinate to the main building. The proposed height of 5.5 m

which a 1 m increase the permitted maximum height. The height of the proposed single detached dwelling is 11 m which will remain subordinate to the main building.

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 height increase of the main building will be mitigated by the existing mature vegetation as the lot is massive in size. In addition, it will be maintaining characteristics of low density and height profile. Bill 23 now permits two residential units on a property in addition to the main dwelling which allows a property to have a total of three units as of right. Aside from the variance requested for the single detached dwelling and accessory apartment, it would have to maintain the applicable policies (i.e. minimum lot setbacks, lot coverage).

Planning Staff is 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 single detached dwelling and the 2 accessory apartments will be providing additional housing stock to the Town which will not compromise the ultimate use of the subject lands.

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

Additional Comments

At time of writing this report, comments from external agencies, internal town departments, the general public have not been received. The Committee will need to consider all comments received prior to making a decision and developing necessary conditions to approval.

D. Background

1. Draft Decision

Respectfully submitted,

Manuel Rivera
Planner I

For more information, please contact:

Committee of Adjustment
PBS.25.096

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Manuel Rivera, Planner I
planning@thebluemountains.ca
519-599-3131 extension 308

Report Approval Details

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Final Approval Date:	Oct 17, 2025

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

Shawn Postma - Oct 17, 2025 - 9:13 AM