



Staff Report

Planning & Building Services – Planning Division

Report To: Committee of Adjustment
Meeting Date: October 22, 2025
Report Number: PBS.25.094
Title: Recommendation Report – Minor Variance A08-2025 – 54 Bruce St
(Greenwood)
Prepared by: Manuel Rivera, Planner I

A. Recommendations

THAT the Committee of Adjustment receive Staff Report PBS.25.094 entitled “Recommendation Report – Minor Variance A08-2025 – 54 Bruce St (Greenwood)”;

AND THAT Committee of Adjustment REFUSE Application Minor Variance A08 – 2025 that proposed the conversion of an existing 81.87 m² concrete barn into an additional residential unit.

B. Background

The following report serves as an addendum to PBS.25.044, presented to the Committee of Adjustment on June 18, 2025. For more details regarding the subject lands, existing buildings or structures, and adjacent properties, please refer to Attachment 3 of PBS.25.044. The purpose of this variance is to convert an existing concrete barn into an Additional Residential Unit (ARU). The initial application sought a minor variance from sections 4.1.3(a), 4.1.3(b), and Table 6.2.1:

1. To permit a reduction in the minimum rear yard setback from 1.2 m to 0.0 m;
2. To permit an increase in the maximum permitted height from 5 m to 5.78 m; and
3. To permit a reduction in the minimum interior side yard setback from 2.0 m to 0.64 m.

The intent is to recognize the existing building’s height, rear yard setback, and interior side yard setback. It should be noted that the building footprint is unchanged, with only interior renovations proposed.

During the June Committee of Adjustment meeting, concerns were raised by adjacent landowners regarding the reduction of the rear yard setback from 1.2 m to 0 m. Access required for maintenance and construction would depend on the adjacent landowner's property, potentially leading to encroachment issues with existing or proposed overhangs.

Additionally, Planning Staff noted discrepancies in the proposed gross floor area between the main building and the ARU (see Attachment 3 for more information). According to PBS.25.044, the applicant confirmed that the concrete barn is 82.87 m² (892 ft²), whereas the existing two-storey structure's footprint is 171.2 m².

PBS.25.044 indicated the need for an additional variance from Section 4.1.2(a), which specifies that the maximum gross floor area of an ARU should not exceed 50% of the primary residential unit or 100 square meters, whichever is greater. This requires new notice and application for a future meeting. Verification of an easement or encroachment agreement is also needed.

Due to these concerns, Planning Staff recommended deferral to allow the owner and their agent more time to address these issues, including securing the additional variance. A response and update are expected by the September Committee of Adjustment meeting. The Committee granted a deferral until this meeting.

Since then, the owner's agent has investigated the presence of any easements, encroachment agreements and/or legal access favoring the subject lands. Their research included reviewing title documents, through which they identified a potential right-of-way (ROW) that might permit access for neighboring landowners. This information was shared with adjacent landowners, who consulted their legal counsel. The counsel confirmed that the ROW was neither established on nor conveyed to the adjacent properties. Research also uncovered a 1984 affidavit affirming that the barn is located within the boundaries of the subject land. Furthermore, the owner's agent communicated with adjacent landowners via a coordination memo (see Attachment 2), addressing some concerns and intending for them to withdraw their initial objections and support the proposal.

Planning Staff contacted the adjacent landowner regarding the coordination letter provided by the agent to confirm the accuracy of the information. The adjacent landowners informed Planning Staff that further revisions to the coordination memo and agreement are needed to satisfy them before signing. It should be noted that this agreement is a private arrangement between the two landowners and the Town is not a party or signatory to this agreement.

PBS.25.044 initially indicated that an additional notice and a new application would be required for recirculation at a future meeting. Upon review by Senior Planning Staff, it was determined that recirculation is unnecessary, as no new changes are proposed to the subject lands beyond the variances that are required. Due to a cancellation of the Committee of Adjustment meeting, this application is now scheduled for October's meeting for a decision. The revised variances to be considered are related to Section 4.1.2(a), Section 4.1.3(a) and (b), and Table 6.2.1 of the Zoning By-law:

1. To permit the maximum gross floor area of an ARU to exceed 50% of the primary residential unit or 100 m², whichever is greater.
2. To permit a reduction in the minimum rear yard setback from 1.2 m to 0.0 m.
3. To permit an increase in the maximum permitted height from 5 m to 5.78 m.
4. To permit a reduction in the minimum interior side yard setback from 2.0 m to 0.64 m.

Based on the information provided since August 28, 2025, Planning Staff can recommend to the Committee regarding the variances being considered.

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 Community Living Area “CLA” and is within the Bruce Marsh Corridor in the 2016 Town of the Blue Mountains Official Plan. The intent of this designation is to maintain the small town characteristic and feel of Thornbury – Clarksburg area. In addition to encourage the provision of a full range of housing opportunities to meet the Town’s housing needs. Along with promoting efficient use of existing and planned infrastructure by creating opportunities for residential intensification where appropriate. Permitted uses include accessory apartments.

Planning Staff are 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 Residential One “R1-1” in the Town of The Blue Mountains Comprehensive Zoning By-law 2018-65. The purpose of these variances is to recognize the existing building’s height, rear yard setback, and interior side yard setback.

The first variance is to reduce the minimum rear yard setback from 1.2 m to 0 m, as per Section 4.1.3(a) of the Zoning By-law. The purpose of a rear yard setback is to provide access to all sides of a building, maintain privacy, reduce noise, and provide a buffer for safety, building utilities, and aesthetic value. The existing concrete barn is currently located 0 m from the rear lot line. One external side of the building can only be accessed over the adjacent private property. Concerns may arise regarding safety and utility access, especially as the use transitions from a passive detached building to an active dwelling unit. This proposed change in use could lead to increased issues.

The second variance seeks to increase the permitted maximum height from 5 m to 5.78 m. It is crucial for the ARU's height to remain subordinate to the main building. The existing concrete barn is currently secondary in height relative to the main building, and it will maintain this status with the proposed conversion.

The third variance is to reduce the interior side yard setback from 2.0 m to 0.64 m. This setback is intended to preserve privacy, reduce noise, and ensure safety, utility access, and aesthetics. The variance acknowledges the existing side yard setback for the proposed ARU and maintains

an adequate distance from neighboring properties, thus preserving privacy and providing a buffer.

The fourth variance allows the maximum gross floor area of an Additional Residential Unit (ARU) to exceed 50% of the primary residential unit or 100 m², whichever is greater. The proposed ARU will have a gross floor area of approximately 166 m² across two floors. Although this exceeds 100 m², it remains under 50% of the primary dwelling's 171.2 m². Therefore, the ARU will continue to be secondary to the main building in both function and scale.

Planning Staff are not satisfied that the proposal aligns with the general intent and purpose of the Zoning By-law, particularly concerning the requested reduction from 1.2 m to 0 m from the rear lot line, which raises concerns regarding safety and utility access.

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 variances that are required are solely to assist and acknowledge the existing setbacks, height along with the increase of the maximum floor area. As previously mentioned throughout this report and the attachments that structure exists on the subject lands, only interior renovations along with the additional request from the adjacent landowners that addresses their concerns.

Planning staff acknowledges and appreciates the efforts of both parties in reaching a mutual understanding. However, the issue of access remains unresolved, and appears to be limited to only consider access up to the change of use of the building. Long term maintenance and access is not guaranteed and in particular if Owners change, the availability of access could also change. While the coordination memo demonstrates intent, it does not constitute a formal legal agreement with respect to access. Construction and ongoing building maintenance should be formalized through an easement or similar agreement between the property owner and the adjacent landowner. Without such an agreement, legal access for the proposed ARU cannot be guaranteed, resulting in the potential for increased issues above and beyond what may be required for a passive barn.

At the time of writing this report, no further documentation has been provided to resolve the ROW and legal access concerns. Therefore, at this time Planning Staff is not satisfied that the proposal can be considered minor in nature. Should the Owner come back with an application to establish an easement or similar agreement on the lands Planning Staff could reconsider support for these variances.

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

While the proposal is desirable for the lands as it aims to provide additional housing to the Town, focusing on housing shortage, increasing affordability and accessibility, and promoting sustainable development, Planning Staff have concerns. The issue of the ROW, easement access and/or legal access has not been fully resolved. Therefore, Planning Staff are not satisfied that the proposal meets all four tests of the minor variance.

D. Attached

1. Draft Decision
2. Coordination Letter
3. PBS.25.044 Recommendation Report

Respectfully submitted,

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Report Approval Details

Document Title:	PBS.25.094 Recommendation Report - Minor Variance A08-2025 - 54 Bruce Street (Greenwood).docx
Attachments:	- A08-2025 Draft Decision.docx - Draft Decision - A08-2025.docx - B-1-PBS.25.044 Recommendation Report - Minor Variance A08-2025 - 54 Bruce Street (Greenwood).pdf - Coordination Letter_Redacted.pdf
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 - 10:29 AM