



# Staff Report

## Planning & Development Services – Planning

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**Report To:** Committee of the Whole  
**Meeting Date:** January 9, 2016  
**Report Number:** PDS.17.01  
**Subject:** Applications for Consent B07-2013 and Zoning By-law Amendment  
Dave Knechtel  
Part Lot 18 and 19 Concession 2  
127 and 131 Happy Valley Road  
Town of The Blue Mountains  
**Prepared by:** Shawn Postma, Senior Policy Planner

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### A. Recommendations

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THAT Council receive Staff Report PDS.17.01 “Applications for Consent B07-2013 and Zoning By-law Amendment, Dave Knechtel, Part Lot 18 and 19 Concession 2, 127 and 131 Happy Valley Road, Town of The Blue Mountains”; and,

THAT Council grant Application for Consent B07-2013 subject to the following conditions:

1. That the Applicant meet all requirements for the Certificate of Consent to be issued.
2. That the Applicant provide a description of the land which can be registered in the Land Registry Office.
3. The dedication of land for a 10.0 metre wide water easement to the Town (4 metres existing easement plus 6 metres additional width).
4. That the existing retaining walls, trees and other encumbrances be removed from the 10.0 metre wide water easement and that the lands be graded back to the original elevations of the centreline of the original 4 metre easement and finished with top soil and grass with a maximum cross slope of 3:1 from the centreline of the original 4 metre easement.
5. A Zoning By-law Amendment to: rezone a portion of the Subject Lands to the Hazard ‘H’ zone; to recognize existing encroachments of the existing single detached dwelling and accessory shed buildings; and to establish building envelopes for future development purposes.
6. That all conditions noted above shall be fulfilled within one year of the decision so that the Town’s Clerk is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

THAT Council enact a Zoning By-law to rezone a portion of the Subject Lands to the Hazard ‘H’ zone, to recognize the existing encroachments of the single detached dwelling and accessory

shed building, and to establish a suitable building envelope and private septic system envelope for future residential development on the severed parcel.

## B. Overview

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The purpose of this report is to consider an application for Consent and Zoning By-law Amendment that proposes to re-establish a residential lot that has merged together with an adjacent residential lot. This severance proposes to sever a 2061 square metre parcel and to retain a 1229 square metre parcel. The proposed boundaries for both the severed and retained parcels follow the previous lot lines. The Zoning By-law Amendment proposes to better define the Hazard lands and to establish building envelopes for the future development of the lands.

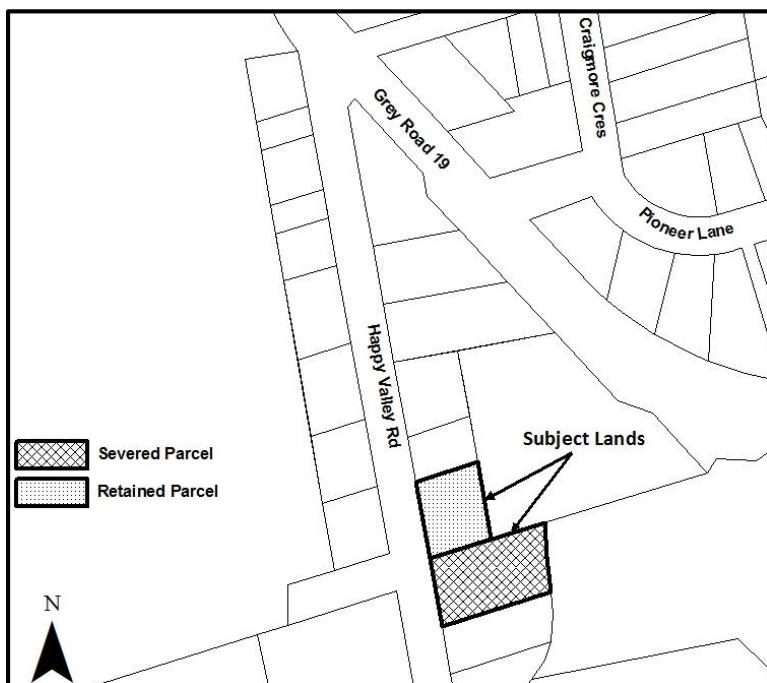
## C. Background

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Planning Services received an application for Consent from property owner Dave Knechtel that proposes to re-establish two previous lots that inadvertently merged together approximately 10 years ago. This application proposes to reinstate the historical lots to their original configuration.

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### LOCATION



The Subject Lands are legally described as Part Lot 18 and 19 Concession 2 and are locally known as 127 Happy Valley Road and 131 Happy Valley Road (The local addresses reflect the

two historical parcels). The subject lands are approximately 3290 square metres in size with 74 metres of frontage on Happy Valley Road. The lands include one existing single detached dwelling and shed (northerly parcel at 127 Happy Valley Road). The southerly parcel at 131 Happy Valley Road is vacant but previously included a dwelling that was demolished to make room for a new dwelling and private on-site septic system. A building permit was obtained for the new dwelling and septic, but construction never started.

Municipally owned water is available to the subject lands, and private on-site septic systems are in place for all lots on Happy Valley Road. An existing 4 metre easement runs along the northerly side lot line of 131 Happy Valley Road. Within this easement is a 350mm (14") trunk watermain that is connected to the Happy Valley Water Reservoir west of the subject lands.

## **D. Analysis**

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### Provincial Policy Statement

The Provincial Policy Statement (PPS) provides direction on appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. Infill residential development is encouraged through the PPS to increase densities and allow for the efficient use of land, infrastructure and public service facilities. There does not appear to be any concerns of Provincial interest and Planning Services is of the opinion that the proposal is consistent with the PPS.

### County of Grey Official Plan

The subject lands are designated Recreational Resort Area within the County of Grey Official Plan. The Recreational Resort Area identifies those lands with a mix of permanent and seasonal residential uses and also includes recreational uses. Additional policy direction is directed to the Niagara Escarpment Plan and local Official Plans.

The Niagara Escarpment Plan (NEP) designates the lands as Escarpment Recreation Area which identifies those areas of existing or potential recreational development associated with the Escarpment. Such areas may include both seasonal and permanent residences. The NEP Plan further intends to provide concentrated recreational and associated development in an environmentally compatible manner and that new development may be created for permitted uses in conformity with the policies of the applicable land use designation under the local Official Plan.

The proposed reinstatement of the historical lot fabric appears to comply with the County of Grey Official Plan, and would not appear to conflict with the provisions of the Niagara Escarpment Plan.

### The Blue Mountains Official Plan

The applications were submitted under the 2007 Town of The Blue Mountains Official Plan. Under this Plan the subject lands are designated Residential Infilling 'RI-52'. Permitted uses include single detached dwellings, parks and open space. Exception 52 states that

“Notwithstanding the provisions for infilling, no new lots shall be permitted.” It is the opinion of Planning Staff that the intent of this designation was to recognize the unique lot fabric, lot sizes, and general characteristics of the residential lots along Happy Valley Road. The exception recognized the original lot fabric along Happy Valley Road, and is clear that no additional lot creation can occur from what existed.

The subject lands are located within the Niagara Escarpment Plan (NEP) and are designated ‘Escarpment Recreation Area’. Permitted uses within this designation include existing uses, and those uses as provided for in the Town of The Blue Mountains Official Plan. Section 14 to the Official Plan recognizes the Niagara Escarpment Plan, and its objective to protect the Niagara Escarpment and adjacent lands at a provincial level. Where there is a conflict between the provisions of the local Official Plan and the Niagara Escarpment Plan, the policies and provisions of the Niagara Escarpment Plan shall prevail.

Planning Services is therefore of the opinion that the original lots along Happy Valley Road are permitted under the local Official Plan, and would not conflict with the policies of the Niagara Escarpment Plan. (Comments from the Niagara Escarpment Commission are provided later in this report).

The 2016 Town of The Blue Mountains Official Plan designates the lands as Residential Recreational Area. Permitted uses include single detached dwellings and permits new lot creation. The former Exception 52 restrictions were not carried forward in the New Plan. New lot creation is permitted subject to the development criteria of Section B3.7.4.2 and B3.7.4.4. It would appear that the re-creation of the existing lot fabric in this location will comply with the intent and direction of the New Official Plan.

#### Township of Collingwood Zoning By-law 83-40

The subject lands are zoned Residential ‘R3’ within the Township of Collingwood Zoning By-law 83-40. Permitted uses include single detached dwellings, home occupations, and accessory uses, buildings and structures. Minimum lot frontage and area requirements are 18 metres and 695 square metres respectively. A new single detached dwelling is subject to minimum yard setbacks, a maximum height of 2.5 storeys and a maximum lot coverage of 30%.

A Zoning By-law Amendment has been submitted with the application for consent. The purpose of the Zoning By-law Amendment is to recognize a number of setback encroachments from the existing dwelling and existing detached shed.

A Zoning By-law Amendment is not required in order to permit the construction of a new dwelling on the proposed vacant residential lot.

Comments have been received from the Grey Sauble Conservation Authority to add the Hazard ‘H’ zone to the easterly portions of the subject lands recognizing the hazards associated with an existing watercourse in the area. (Comments from the Grey Sauble Conservation Authority are provided later in this report).

Planning Services is of the opinion that the proposed new lot and future construction of a single detached dwelling can comply with the Residential 'R3' provisions of the Township of Collingwood Zoning By-law 83-40, and that the addition of new Hazard 'H' zone boundaries will not adversely impact future construction on the lands. It should be noted that a building envelope within the Hazard area will be required in order to permit a private septic system in this location.

#### Public Meeting

A Public Meeting as required under the Planning Act was held on December 2, 2013. Comments were received from the County of Grey Planning and Development Department, the Niagara Escarpment Commission, the Grey Sauble Conservation Authority and Union Gas.

The County of Grey Planning Department and Niagara Escarpment Commission have no objections.

The Grey Sauble Conservation Authority has identified an existing watercourse along a portion of the eastern lot line of the subject lands. This watercourse has raised potential flooding and erosion concerns and as a result the Conservation Authority has recommended a Hazard 'H' zone to be included as part the Zoning By-law Amendment. The Conservation Authority has also recommended that appropriate sediment controls be utilized during construction activities and that a Development Permit will be required from their office prior to construction or site alteration. The proposed private septic system for the new dwelling is proposed partially within the Hazard 'H' boundaries. The Conservation Authority has reviewed the septic system requirements and has no objections to identifying a building envelope within the Hazard zone.

Union Gas generally has no objections to the proposed applications but note that should any service gas lines need to be relocated that the relocation costs are the responsibility of the property owner.

Comments were also received from our Infrastructure and Public Works Department (IPW) who have recommended that the existing 4 metre wide waterline easement be increased to 10 metres. The increased width was identified through further study by CF Crozier & Associates on behalf of the Town, Town field work and internal IPW staff review. The increased easement size is required to: provide safe unencumbered access for Town Staff and equipment to safely replace and/or repair the existing 350mm trunk watermain; to provide sufficient area to pile excavated material; to provide sufficient clearance to existing and future buildings and retaining walls; and to be able to contain all future work within the easement boundaries. The proposed increase in easement size does not appear to adversely impact the building envelope for a new dwelling, but will require the relocation of an existing retaining wall and some landscaping works that are located within the existing and proposed easement.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Consent and Zoning By-law Amendment applications are consistent with the intent and direction of the Provincial Policy Statement, County of Grey Official Plan, Town of The Blue Mountains Official Plan and

Township of Collingwood Zoning By-law. Planning Staff therefore recommend granting Consent Application B07-2013 subject to the conditions listed in this report.

## **E. The Blue Mountains Strategic Plan**

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Goal #3: Support Healthy Lifestyles

## **F. Environmental Impacts**

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Nil

## **G. Financial Impact**

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Nil

## **H. In consultation with**

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Infrastructure and Public Works

## **I. Attached**

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1. DRAFT Consent Decision
2. DRAFT Zoning By-law Amendment

Respectfully submitted,

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Shawn Postma, BES MCIP RPP  
Senior Policy Planner

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Michael Benner, MCIP RPP  
Director of Planning and Development Services

For more information, please contact:  
Shawn Postma  
[spostma@thebluemountains.ca](mailto:spostma@thebluemountains.ca)  
519-599-3131 extension 248



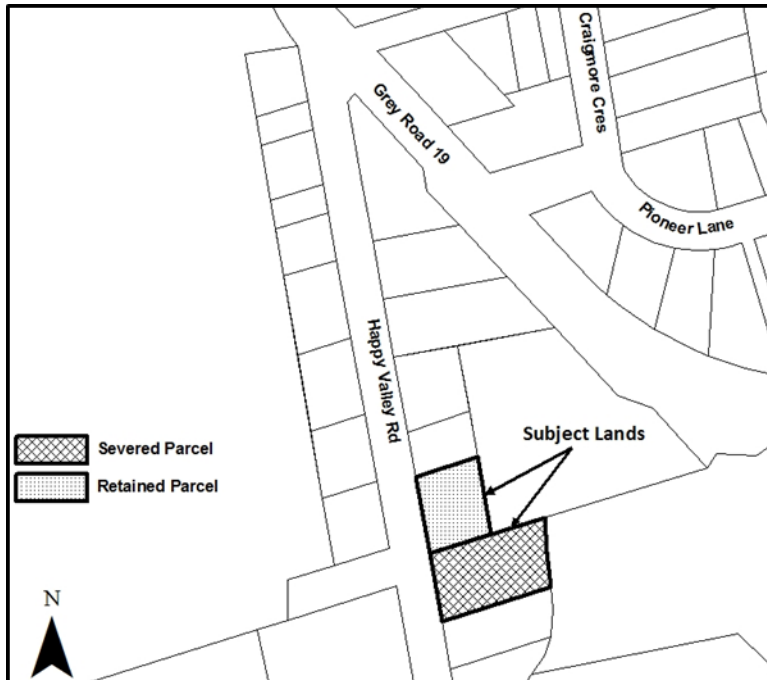
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Signature of Corrina Giles, Clerk,  
Town of The Blue Mountains  
32 Mill Street, Thornbury, Ont., N0H 2P0  
Email: townclerk@thebluemountains.ca

Dated:

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### Severance Sketch



Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

Additional information regarding this consent may be obtained by attending the Office of the Town Clerk, 32 Mill Street, Thornbury, Ontario N0H 2P0 between the hours of 8:30 a.m. and 4:30 p.m. Monday to Friday, or by calling 888-258-6867 or 519-599-3131.

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### CERTIFICATION

*Planning Act, R.S.O 1990, c. P.13, Sec 53(17) and 53(24), as amended*

I, Corrina Giles, Clerk of The Corporation of the Town of The Blue Mountains, certify that the above is a true copy of the decision of the Council of the Town of The Blue Mountains with respect to the application recorded therein.

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Signature of Corrina Giles, Clerk,  
Town of The Blue Mountains  
32 Mill Street, Thornbury, Ont., N0H 2P0

Date:



# The Corporation of the Town of The Blue Mountains

## By-Law Number 2017 –

**Being a By-law to amend Zoning By-law No. 83-40 which may be cited as "The Township of Collingwood Zoning By-law".**

Whereas the Council of the Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 83-40;

Whereas pursuant to the provisions of Section 34 and 36 of the Planning Act, R.S.O. 1990, c. P.13, the By-law may be amended by Council of the Municipality;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. Map 24 and Map 25 to Schedule 'A' of the Township of Collingwood Zoning By-law 83-40 as amended, is hereby further amended by rezoning the subject lands from the Residential 'R3' Zone to the Residential 'R3' Zone, Residential 'R3-273' Zone, Hazard 'H' Zone and Hazard 'H-274' Zone for those lands lying and being in the Town of The Blue Mountains, comprised of Part Lot 18 and 19 Concession 2 as indicated on the attached key map Schedule 'A1'.
2. Section 32 to the Township of Collingwood Zoning By-law 83-40 as amended, is hereby further amended by adding the following Exceptions:  
  
"273 Notwithstanding any other provision in this By-law, the minimum rear yard setback for the existing 265 square metre dwelling shall be 3.9 metres. The minimum rear yard and side yard setback for the existing 69 square metre detached shed shall be 1.0 and 0.9 metres respectively.  
  
274 A private septic system may be permitted on these lands."
3. Schedule 'A1' is hereby declared to form part of this By-law.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this \_\_\_\_ day of \_\_\_\_\_, 2017.


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John McKean, Mayor

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Corrina Giles, Clerk

**KEY MAP SCHEDULE 'A1'**  
**BY-LAW No. \_\_\_\_\_**  
**TOWN OF THE BLUE MOUNTAINS**

 AREA AFFECTED BY THIS AMENDMENT

