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**STAFF REPORT: Planning & Development Services – Planning Division**



**REPORT TO:** Committee of the Whole  
**MEETING DATE:** June 27, 2016  
**REPORT NO.:** PDS.16.79  
**SUBJECT:** Consent Application B01-2016  
 Lot Addition (382033 Ontario Ltd)  
**PREPARED BY:** Denise Whaley, Planner I

## **A. Recommendations**

THAT Council receive Staff Report PDS.16.79 “Consent Application B01-2016 Lot Addition (382033 Ontario Ltd.)”, for the lands known as Plan 807, Part of Block A, RP 16R1767 Parts 8, 9, 10 & 11;

THAT council give Provisional Consent to application B12-2015, subject to the following conditions:

1. That the Applicant meet all the requirements of the Town, financial and otherwise, 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. That the severed parcel be deeded as a lot addition only, to the property abutting in accordance with Section 50 (3 or 5) of the Planning Act, R.S.O. 1990;
4. That any mortgage on the property be discharged from any land being severed and for any lands to be added to a lot with a mortgage, that any mortgage shall be extended onto the additional land; and
5. That all above conditions be fulfilled within one year of the Notice of Decision so that the Town’s Clerk is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

## **B. Background**

This application requests permission for “lot addition” or lot line adjustment. The proposal is to take a vacant 3 metre (9.84 feet) strip of land from the lot at 108 Tyrol Avenue and add it to the adjacent lot at 232 Swiss Meadows Boulevard. The strip of land has road frontage on Swiss Meadows Boulevard. The total area of land proposed to be severed is approximately 137 square metres (1,474 square feet).

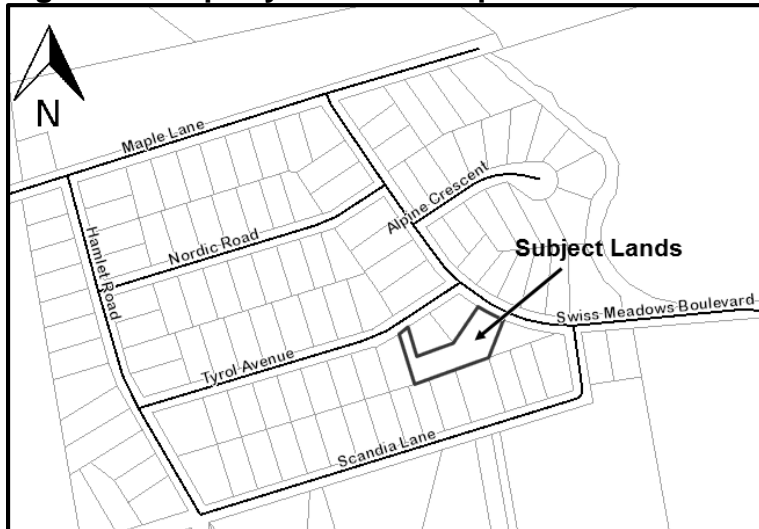
The lot addition would give the property owner at 232 Swiss Meadows Boulevard better access on their lot to maintain their existing house and would increase their side yard area.

### **Property Location**

The property is location at 108 Tyrol Avenue in the subdivision of Swiss Meadows as shown in Figure 1. The property is legally described as Plan 807, Part of Block A, RP

16R1767 Parts 8, 9, 10 & 11. Figure 2 is an aerial photo that shows the area of the proposal and an estimation of the parcel to be severed parcel in relation to the two lots.

**Figure 1: Property Location Map**



**Public Meeting Summary**

A public meeting was held June 6, 2016. The applicant and the property owner were at the meeting and requested a very slight modification of the proposal to “square up” the one end of the parcel to be severed.

Comments were received from County of Grey, Niagara Escarpment Commission and Historic Saugeen Metis that did not identify any concerns. No comments were received from the public. All comments are attached to this report as Attachment 3.

**Figure 2: Aerial Photo of area of Proposal**



## Land Use Policy Review

### Provincial Policy Statement (PPS 2014)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As this proposal for a minor lot addition does not contemplate any development and no new uses are proposed, there are no concerns related to Provincial Policy. The application is consistent with the intent and direction of the Provincial Policy Statement.

### Official Plans

#### County of Grey Official Plan

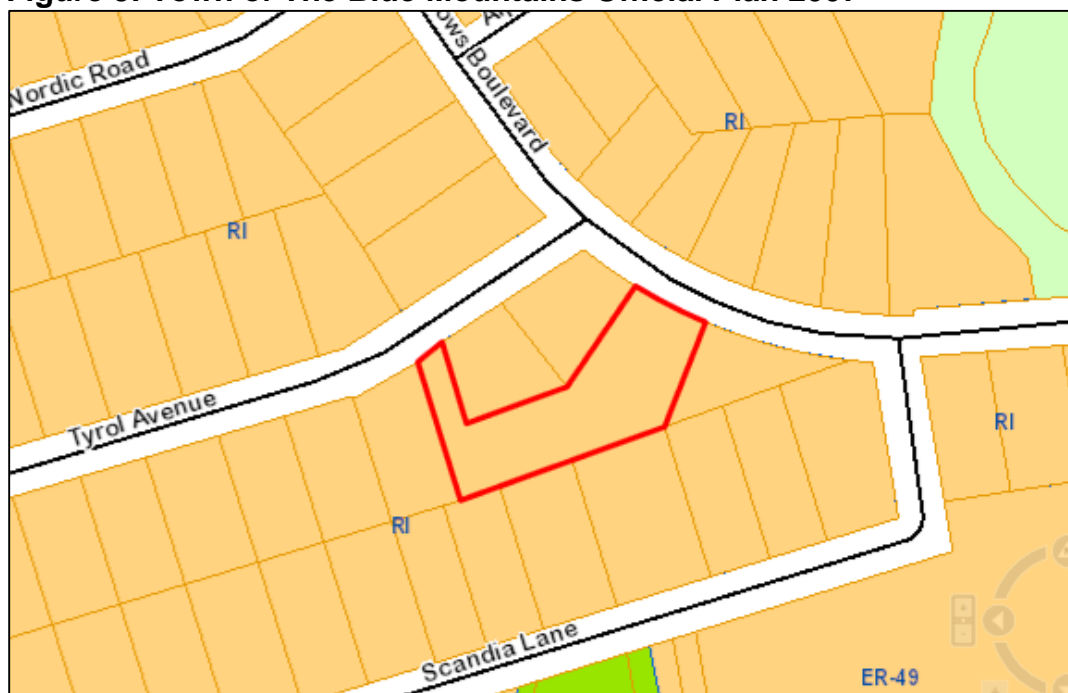
Comments received from the County of Grey were supportive of the proposal as a minor change in the boundaries of the two properties. The lands are designation **Escarpment Recreation Area**. Detailed policies for this designation are found in the local Official Plan.

#### Town of The Blue Mountains Official Plan 2007

The lands are designated **Residential Infilling** in the 2007 Plan, which permits detached residential uses. Section 9.3 (7) Consent Policies provide for minor boundary adjustments or lot additions where no new lot is created. Proposals are to be evaluated on their own merits.

In this case, the proposal does not change any land uses, but the effect on the lot at Swiss Meadows Boulevard will mean that the property owner will be able to maintain the existing structures on their own property, where currently the existing house right at the lot line.

**Figure 3: Town of The Blue Mountains Official Plan 2007**



### **Town of The Blue Mountains 2016 Draft New Official Plan**

The property is designated **Residential Recreational Area** in the 2016 Draft new Official Plan, which permits a variety of residential uses. Section D4.2.2 provides for boundary adjustments where no new building lot is created. Policies further state that Council shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan. In this case, the proposal does not alter access or reduce access of either parcel. As the proposal is for a minor adjustment of only a 3 metres wide strip of land, it should affect the viability or uses of the retained parcel, but should improve the situation on the receiver lot.

Staff are satisfied that the application for lot addition is consistent with the intent and direction of all the above Official Plans.

### **Township of Collingwood Zoning By-law**

The Subject Lands are zoned Private Open Space (OS2). The adjacent property is Zoned Residential Third Density (R3). The small parcel can continue to be used as a yard area for 232 Swiss Meadows with its current zoning. The 3 metre strip of land will also improve conformity to the Zoning By-law by providing a side yard area as required for the R3 zone. Staff are satisfied the proposal for lot addition conforms to the Zoning By-law.

### **Planning Analysis**

The proposal to sever a small parcel of land to add to the adjacent residential lot will help resolve an issue of long term maintenance of the lot 232 Swiss Meadows Blvd. and provide the necessary side yard setback for this lot. Staff are satisfied that this application is consistent with the Provincial Policy Statement, the County and Town Official Plans and conforms to the zoning by-law. Staff recommend approval of this application for consent, subject to the conditions in Attachment 2 – Draft Consent Decision.

### **C. The Blue Mountains' Strategic Plan**

The recommendations in this report support the following goals and objectives:

Goal #3 - Support healthy lifestyles, Objective #3, Manage Growth and Promote Smart Growth.

### **D. Environmental Impacts**

None.

### **E. Financial Impact**

None.

**F. In Consultation With**

Agencies, the public and internal staff through the Public Notice process.

**G. Attached**

1. Applicants Severance Sketch
2. Draft Decision
3. Public Meeting Comments

Respectfully submitted,

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Denise Whaley, MCIP, RPP  
Planner I

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Michael Benner, MCIP, RPP  
Director of Planning and Development Services

**For more information, please contact:**

Denise Whaley, Planner I  
[dwhaley@thebluemountains.ca](mailto:dwhaley@thebluemountains.ca)  
519-599-3131 x262

**RECEIVED**

APR 05 2016

TOWN OF THE BLUE MOUNTAINS  
PLANNING & BUILDING SERVICES  
PER

PLAN 16R-176Z  
RECEIVED AND DEPOSITED

August 29, 1980  
DATE

*David Board*  
LAND REGISTRAR  
DIVISION OF GREY NORTHWEST

PART	LOCAL PLAN	INSTRUMENT	OWNER	AREA
1	1031	180325	J. SHUMWAY	1.53
2	1031	180325	J. SHUMWAY	1.53
3	1031	180325	J. SHUMWAY	1.53
4	1031	180325	J. SHUMWAY	1.53
5	1031	180325	J. SHUMWAY	1.53
6	1031	180325	J. SHUMWAY	1.53
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79	1031	180325	J. SHUMWAY	1.53
80	1031	180325	J. SHUMWAY	1.53

PLAN OF SURVEY OF  
PART OF BLOCK 'A'  
AND PART OF LOTS 33 AND 49  
REGISTERED PLAN 807  
TOWNSHIP OF COLLINGWOOD  
COUNTY OF GREY  
SCALE 1:500  
ZUBEK, ENO AND PATTEN LTD  
1980

METRIC  
THE MEASUREMENTS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

CAUTION THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT

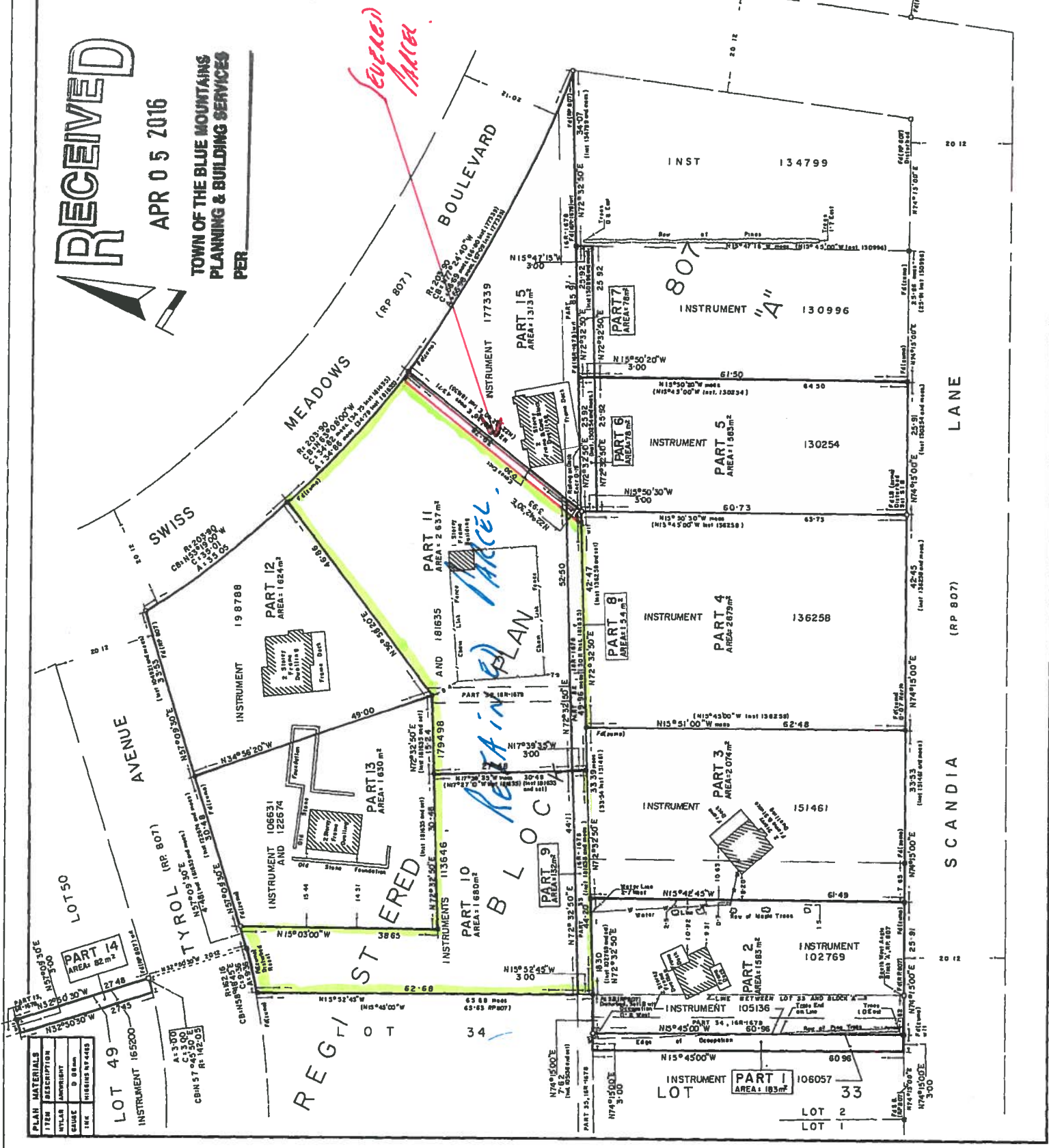
NOTES  
1. BEARINGS HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE MEANING OF TYROL AVENUE ASSUMED TO BE N57°05'30"E, IN ACCORDANCE WITH REGISTERED PLAN 807.

± DENOTES 0°025 ± 0°025 ± 1219 IRON SURVEY BAR  
± DENOTES 0°016 ± 0°016 ± 0610 IRON SURVEY BAR

SURVEYOR'S CERTIFICATE  
I, THE SURVEYOR, HAVE BEEN DULY SWORN AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER, I HAVE CAUSED THIS SURVEY TO BE COMPLETED JUNE 17, 1980

AUG. 26, 1980  
ROBERT STIFF, O.L.S.  
REGISTERED SURVEYOR  
COLLINGWOOD

LOT 80  
LOT 80 (RP 807)





**DRAFT**  
**THE CORPORATION OF THE  
TOWN OF THE BLUE MOUNTAINS**  
**DECISION ON CONSENT APPLICATION FILE NO. B01-2016**

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**OWNER:** 382033 Ontario Ltd.  
**APPLICANT:** Robert Johnson  
**PURPOSE AND EFFECT:** This application requests permission for "lot addition" or lot line adjustment. The proposal is to take a vacant 3 metre (9.84 feet) strip of land from the lot at 108 Tyrol Avenue and add it to the adjacent lot at 232 Swiss Meadows Boulevard. The strip of land has road frontage on Swiss Meadows Boulevard. The total area of land proposed to be severed is approximately 137 square metres (1,474 square feet). The lot addition would give the property owner at 232 Swiss Meadows Boulevard better access on their lot to maintain their existing house and would increase their side yard area.  
**MUNICIPALITY:** Town of The Blue Mountains  
**LEGAL DESCRIPTION:** Plan 807, Part of Block A, RP 16R1767 Parts 8, 9, 10 & 11

<b>SEVERED PARCEL:</b>	<b>FRONTAGE:</b> 3 m	<b>DEPTH:</b> 42.33 m (irregular)	<b>AREA:</b> 137 sq m
<b>RETAINED PARCEL:</b>	<b>FRONTAGE:</b> 34.82 m	<b>DEPTH:</b> 39.78 m (irregular)	<b>AREA:</b> 4329 sq m
<b>HAVING ACCESS ON:</b>	Swiss Meadows Blvd. and Tyrol Ave, opened and maintained municipal roads		
<b>MUNICIPAL WATER:</b>	Yes	<b>MUNICIPAL SEWER</b>	No

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**DECISION:** GRANTED PROVISIONAL CONSENT  
(IF GRANTED, CONSENT EXPIRES TWO YEARS FROM CERTIFICATE OF CONSENT DATE)

**DATE OF DECISION:** xxxx, xx, 2016

\*\*\*\*\*

In making the decision upon this application for consent, the Council of the Town of The Blue Mountains is satisfied that:

- The proposed lot creation would appear to conform with the direction of the Town of The Blue Mountains Official Plan and represents good planning.

\*\*\*\*\*

NOTICE - The last date for appealing this decision or any of the conditions is:  
**xxx, xx, 2016**

\*\*\*\*\*

IF PROVISIONAL CONSENT IS GIVEN, THEN THE FOLLOWING CONDITIONS MUST BE MET BY: **xxxx, xx, 2016**

1. That the Applicant meet all the requirements of the Town, financial and otherwise, 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. That the severed parcel be deeded as a lot addition only, to the property abutting to the south in accordance with Section 50 (3 or 5) of the Planning Act, R.S.O. 1990;
4. That any mortgage on the property be discharged from any land being severed and for any lands to be added to a lot with a mortgage, that any mortgage shall be extended onto the additional lands; and
5. That all above conditions be fulfilled within one year of the Notice of Decision so that the Town's Clerk is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

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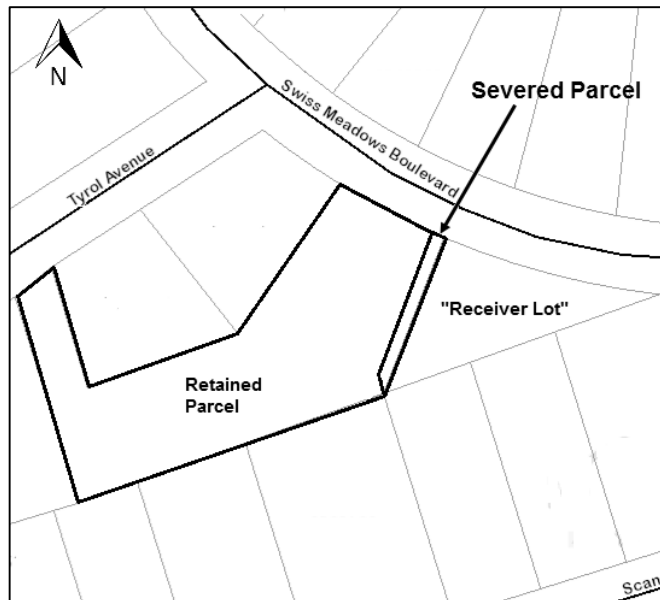
Signature of Corrina Giles, Clerk,  
Town of The Blue Mountains  
32 Mill Street, Thornbury, Ont., N0H 2P0

Dated: xxxx, xx, 2016

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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.

---

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

Dated: xxxx, xx, 2016



Niagara Escarpment Commission

99 King Street East  
P.O. Box 308  
Thornbury, ON N0H 2P0  
Tel. No. (519) 599-3340  
Fax No. (519) 599-6326  
www.escarpment.org

Commission de l'escarpement du Niagara

99, rue King est  
p.o.b. 308  
Thornbury ON N0H 2P0  
No de tel. (519) 599-3340  
Télécopieur (519) 599-6326  
www.escarpment.org



May 19, 2016

Town of The Blue Mountains  
32 Mill St.  
P.O. Box 310  
Thornbury, ON N0H 2P0

Email: [townclerk@thebluemountains.ca](mailto:townclerk@thebluemountains.ca)

Dear Corina Giles:

**Re: Consent Application B01-2016, 382033 Ontario Limited  
Part Lot 18 , Concession 3, Plan 807, Part of Block A, RP 16R1767 Parts 8,  
9, 10 & 11 (108 Tyrol Ave and 232 Swiss Meadows Blvd)  
Town of The Blue Mountains, Grey County**

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We have reviewed this application for Consent and wish to provide the following comments:

The property is located within the Niagara Escarpment Plan and is designated Escarpment Recreation Area.

The Niagara Escarpment Commission has **no objection** to the Consent as the proposal is for a lot addition only, and no new building lot is to be created. The Commission recommends the following conditions be applied:

- That Section 50(3) of the *Planning Act* shall apply to any future conveyance of the severed parcel.
- Any existing mortgage commitment on the parcel to be added to should be extended to cover the whole, newly created parcel.

Pursuant to Section 53(17) of the *Planning Act*, a Notice of Decision on this application is requested.

Should you have any questions please contact me at (519) 599-3464.

Yours truly,

Judy Rhodes-Munk  
Planner

May 31, 2016

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

**RE: Application for Consent for Lot Addition B01-2016  
Plan 807, Part of Block A, RP 16R1767 Parts 8-11  
108 Tyrol Avenue (Swiss Meadows)  
The Town of The Blue Mountains (former Township of Collingwood)  
Owner: 382033 Ontario LTD.  
Applicant: Robert Gordon Johnson**

Dear Ms. Giles,

This correspondence is in response to the above noted application. We have had an opportunity to review the application in relation to the Provincial Policy Statement (PPS) and the County of Grey Official Plan (OP). We offer the following comments.

The purpose and effect of the subject application is to take a vacant 3 metre (9.84 feet) strip of land from the lot at 108 Tyrol Avenue and add it to the adjacent lot at 232 Swiss Meadows Boulevard. The total area of land proposed to be severed is approximately 137 square metres (1,474 square feet). The lot addition would give the property owner at 232 Swiss Meadows Boulevard better access on their lot to maintain their existing house and would increase their side yard area.

Schedule A of the OP designates the subject lands as 'Escarpment Recreation Area'. Section 2.5.2(2) of the OP states,

Local Official Plans and/or Secondary Plans shall provide detailed land use policies and development criteria in these areas that are not in conflict with the provisions of the Niagara Escarpment Plan.

Appendix A indicates that the subject property contains 'Special Policy Area (karst)'. Section 2.8.5 of the OP states,

The Special Policy Area consists of shallow overburden with karst topography. The depth of soil is generally less than one metre over fractured bedrock (karst). In areas identified as Special Policy Area on Appendix A it will be necessary for the proponent of any planning application to address the need of providing an Environmental Impact Study. The objective of the Environmental Impact Study shall be two fold; to determine if in fact that the Special Policy Area does exist. This can be accomplished simply by on-site test holes.

There is no development being proposed at this time; therefore an Environmental Impact Study may not be required.

Provided the severed parcel is added to the abutting lands as described in the application, County planning staff have no further concerns with the subject application.

The County requests notice of any decision rendered with respect to this file.

If you wish to discuss this matter further, please do not hesitate to contact me.

Yours truly,



Kelly Henderson  
Planner

+1 519-372-0219 ext. 1233

[kelly.henderson@grey.ca](mailto:kelly.henderson@grey.ca)

[www.grey.ca](http://www.grey.ca)

**From:** [Corrina Giles](#)  
**To:** [Samuel.Ives@HydroOne.com](mailto:Samuel.Ives@HydroOne.com)  
**Cc:** [Denise Whaley](#); [Sharon Long](#)  
**Subject:** FW: Town of The Blue Mountains (108 Tyrol Avenue) File B01-2016  
**Date:** May 17, 2016 3:33:49 PM

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Thank you Samuel.

Corrina Giles, CMO  
Town Clerk  
Town of The Blue Mountains

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**From:** Samuel.Ives@HydroOne.com [mailto:Samuel.Ives@HydroOne.com]  
**Sent:** May-17-16 3:26 PM  
**To:** Corrina Giles <cgiles@thebluemountains.ca>  
**Subject:** Town of The Blue Mountains (108 Tyrol Avenue) File B01-2016

Consent Circulation No. **B01-2016**

We have reviewed the documents concerning the above noted Application for Consent and have no comments or concerns at this time.

Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

[\(Where Hydro One is the Distribution Supplier the Owner/Applicant should contact the closest Hydro One office\).](#)

If you have any questions please call me at the number below.

Thank you.

Dennis De Rango  
Specialized Services Team Lead  
905-946-6237

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**From:** [Lands and Resources Consultation Coordinator](#)  
**To:** [Denise Whaley](#)  
**Subject:** Request for Comments - Blue Mountains (382033 Ontario Limited) Land Severance  
**Date:** May 18, 2016 10:19:22 AM

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Your File: B1-16  
Our File: Blue Mountains Town

Good Morning Ms. Whaley,

The Historic Saugeen Metis (HSM) Lands, Resources, and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed development, land re-designation, rezoning, land severance, Official Plan and/or Zoning By-law Amendments.

I trust this may be helpful.

Regards,

**George Govier**

Co-ordinator Lands, Resources, and Consultation

Historic Saugeen Metis  
204 High Street  
Southampton, Ontario  
N0H 2L0  
Direct Line (519) 483-4001  
Fax (519) 483-4002  
Email [saugeenmetisadmin@bmts.com](mailto:saugeenmetisadmin@bmts.com)

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