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**STAFF REPORT: Planning & Building Services Department**



**REPORT TO:** Committee of the Whole  
**MEETING DATE:** August 18, 2014  
**REPORT NO.:** PL.14.84  
**SUBJECT:** Application for Zoning By-law Amendment  
 Susan and Robert McDonald  
 Plan 104 Lot 24 Part Lot 23 RP 16R-2661 Part 2. 129 Leming Street  
 Town of The Blue Mountains  
**PREPARED BY:** Shawn Postma, Planner II

**A. Recommendations**

THAT Council receive Staff Report PL.14.84 “Application for Zoning By-law Amendment, Susan and Robert McDonald, Plan 104 Lot 24 Part Lot 23 RP 16R-2661 Part 2, 129 Leming Street, Town of The Blue Mountains”, and

THAT Council enact a Zoning By-law Amendment so as to permit a secondary suite within the existing single detached residential dwelling on the subject lands.

**B. Background**

The Planning Services Division has received an application for Zoning By-law Amendment from Susan and Robert McDonald that proposes to add a secondary suite (basement apartment) within the existing dwelling.

The subject lands are described as Plan 104 Lot 24 Part Lot 23 RP 16R-2661 Part 2, and are locally known as 129 Leming Street. The lands are approximately 1166 sq m in size with 23.1 m of frontage on to Leming Street. An existing 169 sq m bungalow with a partially finished basement exists on the property. Surrounding land uses include a mix of new and older subdivisions comprised of single detached residential uses.

The proposed secondary suite includes installing a new and separate exterior entrance to the basement suite from the rear of the dwelling, the installation of a new kitchen area and other modifications to the interior space. Parking is proposed on the existing driveway, with no other changes proposed at this time. The dwelling is connected to Municipal water supply and Municipal sanitary sewer services.

## LOCATION



## Provincial Policy Statement

The Provincial Policy Statement 2014 (PPS) provides direction on appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires municipalities to provide an appropriate range and mix of housing types and densities to serve the residents of the area. Municipalities must provide all forms of housing including residential intensification and second units.

Bill 140 the *Strong Communities Through Affordable Housing Act* was enacted by the Province in 2012 and requires municipalities to establish Official Plan policies and Zoning By-law Provisions allowing second units in detached, semi-detached, rowhouse and ancillary structures. In 2012, Planning Staff initiated an Official Plan Amendment and Zoning By-law Amendment process to implement the requirements of Bill 140. Draft documents have been prepared and a Public Meeting was held in late 2012. At the same time, the Town has been working through the 5-year Official Plan Review, and the requirements of Bill 140 are being included through this process. The draft Amendment has been incorporated into the new Official Plan. No zoning amendment has been enacted.

Planning Services is of the opinion that the proposal is consistent with the PPS.

## County of Grey Official Plan

The subject lands are designated 'Primary Settlement Area' within the County of Grey Official Plan. Section 2.6.3(2) of the County Plan recognizes that growth should be focused to settlement areas within the municipality and that detailed land use policy

direction shall be directed to the local Official Plan. Section 6.17 of the Plan recognizes that accessory apartments shall be permitted within primary settlement areas. Prior to the issuance of a building permit, it shall be ensured that all building code requirements can be met. Planning Services is of the opinion that the proposal will comply with the County of Grey Official Plan.

#### The Blue Mountains Official Plan

The subject lands are designated Residential within the Thornbury Community Area of the Town of The Blue Mountains Official Plan. Single Detached Dwellings are a permitted use. Apartments in houses may be permitted as an ancillary use subject to an amendment to the Zoning By-law. General criteria that must be met are described under Section 3.6.1 to the Plan and include: compatibility with the area, provision of one additional parking space, provision of municipal water and sewer services, and conformity with the Zoning By-law. Apartments in houses shall also meet all requirements of the Ontario Building Code and Fire Code, and must obtain a Building Permit, Occupancy Permit, and/or Change of Use Permit from the Town.

Planning Services Staff is of the opinion that the proposed secondary suite will comply with the Town of The Blue Mountains Official Plan. The addition of the secondary suite will not be evident from the outside of the home, can provide an additional parking space on the existing driveway, and is connected to Municipal water and sewer.

#### Zoning

The subject lands are zoned Residential R2 within the Town of Thornbury Zoning By-law 10-77. Permitted uses include a single detached dwelling as well as accessory uses, buildings and structures. A secondary suite / basement apartment is not permitted as of right and therefore must first obtain a Zoning By-law Amendment prior to being permitted on the lands. The Zoning By-law Amendment application has been submitted and addresses the criteria contained in the Official Plan. A Site Plan has also been provided indicating how the secondary suite can be accommodated on the lands. Sufficient parking for the dwelling and the secondary suite is available on the existing driveway, the proposed entrance to the secondary suite is located by a separate entrance to the basement from the rear yard of the house. Planning Staff are also satisfied that the existing landscaping is sufficient on the lands to help buffer the use. A Building Permit will be required prior to starting work on installing the secondary suite.

The Zoning By-law Amendment should include a new exception for the property to identify that a secondary suite within the existing dwelling may also be permitted on the lands, that the secondary suite shall have its own separate entrance into the dwelling and that one additional parking space shall be provided.

It should also be noted that if Council enacts a By-law to permit a secondary suite on the lands that Section 34(19.1) of the Planning Act does not allow an appeal of the By-law to the Ontario Municipal Board.

There are no requirements for Site Plan Approval to permit the secondary suite.

Provided that the above mentioned comments are included in the By-law, Planning Services is of the opinion that the proposed Amendment to permit the secondary suite will comply with the requirements of the Zoning By-law.

#### Public Meeting

A Public Meeting as required under the Planning Act was held on June 30, 2014. Comments were received from the County of Grey Planning and Development Department indicating that they have no objections to the proposed Zoning By-law Amendment. No other written or verbal comments were received at the Public Meeting.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Zoning By-law Amendment is consistent with the intent and direction of the Provincial Policy Statement, County of Grey Official Plan, Town of The Blue Mountains Official Plan and the Town of Thornbury Zoning By-law 10-77. Planning Staff therefore recommend that Council enact a Zoning By-law Amendment subject to the comments contained in this report.

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

The recommendation in this Planning Staff Report is consistent and supports the following Strategic Plans Goals: *"1. Managing growth to ensure the ongoing health and prosperity of the community"*.

#### **D. Environmental Impacts**

Nil

#### **E. Financial Impact**

Nil

#### **F. In Consultation With**

Public Meeting – June 30, 2014

#### **G. Attached**

Draft Zoning By-law Amendment

Respectfully submitted,

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Shawn Postma, Planner II

**For more information, please contact:**

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Jim Dymont, Interim Head of Planning

**Draft Zoning By-law Amendment**

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Susan and Robert McDonald  
18-109-01

**THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS**

**BY-LAW NO. \_\_\_\_\_**

Being a By-law to amend Zoning By-law No. 10-77  
which may be cited as "The Zoning By-law of the  
Town of Thornbury".

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. 10-77;

AND WHEREAS pursuant to the provisions of Section 34 of the Planning Act, the by-law may  
be amended by Council of the Municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE  
BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. Schedule 'A' to the Zoning By-law of the Town of Thornbury, being By-law No. 10-77, is hereby amended by rezoning the subject lands from the Residential 'R2' Zone to the Residential 'R2-50' Zone for those lands lying and being in the Town of The Blue Mountains, comprised of PLAN 104 LOT 24 PT LOT 23 RP 16R2661 PART 2, as indicated on the attached key map Schedule 'A-1'.
2. Section 26 to the Town of Thornbury Zoning By-law No. 10-77, is hereby amended by adding the following Exception:
 

"50 One (1) secondary suite, being a self-contained dwelling unit may also be permitted within a Single Detached Dwelling on these lands. The secondary suite shall have its own exterior entrance separate from the exterior entrance to the principal dwelling except that access to the principal and secondary suite may be permitted through a common vestibule. One additional parking space shall be provided for the secondary suite."
3. Schedule 'A-1' 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 \_\_\_\_\_, 2014.

\_\_\_\_\_  
Ellen Anderson, Mayor

\_\_\_\_\_  
Corrina Giles, Clerk

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I hereby certify that the foregoing is a true copy of By-law No. \_\_\_\_\_ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

DATED at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

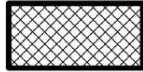
Signed: \_\_\_\_\_ Corrina Giles, Clerk

Under the authority of the *Municipal Act, 2001* and in accordance with Ontario's *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, The Corporation of the Town of The Blue Mountains wishes to inform the public that all information including opinions, presentations, reports and documentation provided for or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record. This information may be posted on the Town's website and/or made available to the public upon request.

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Susan and Robert McDonald  
18-109-01

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



AREA AFFECTED BY THIS AMENDMENT

