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STAFF REPORT: Planning & Building Services Department



REPORT TO: Committee of the Whole
MEETING DATE: April 28, 2014
REPORT NO.: PL.14.44
SUBJECT: Ontario Municipal Board Update -
 Repeal of By-law No. 2009-30
 Lampton Greens Corporation
 (Lora Bay Heights)
 Lots 47 & 48, SW King Street
 Lots 47 & 48, Part of Lots 49 & 50
 NE Arthur Street
 Town of The Blue Mountains
PREPARED BY: Shawn Postma, Planner II

A. Recommendations

THAT Council receive Staff Report PL.14.44, "Ontario Municipal Board Update Repeal of By-law No. 2009-30, Lampton Greens Corporation, (Lora Bay Heights), Lots 47 & 48, SW King Street Lots 47 & 48, Part of Lots 49 & 50 NE Arthur Street, Town of The Blue Mountains" for information purposes.

B. Background

The Planning Services Division received an application for a Zoning By-law Amendment by Lampton Greens Corporation in June 2008. The application proposed to rezone the subject lands from the Development `D` zone to the Residential Multiple `RM1` zone in order to permit a proposed 29 unit townhouse development. A number of exceptions to the `RM1` zone were also requested including reductions to minimum front, side and rear yard setbacks.

In May 2009 Council enacted By-law No. 2009-30 wherein it rezoned a portion of the subject lands to the Residential Multiple `RM1-h` Zone. The remaining lands continued to be zoned Hazard `H` recognizing an existing watercourse and 30 metre setback. The Holding `-h` symbol was placed on the lands with a requirement for Site Plan Approval and allocation of municipal water and sewer services.

Notice of Passing was circulated and an Appeal was received to the By-law from Michael Seguin, on behalf of the Cameron Street Residents. The reasons for appeal included:

1. Does not conform to Official Plan;
2. By-law is premature until an appropriate development scheme is brought forward;
3. By-law is premature until required environmental permits are received;
4. By-law is premature without proper servicing allocation in place;
5. Configuration of Townhouse development is not in character with the neighbourhood; Proposed townhouse development is too dense for the property;

6. Proposed townhouse development is built on a ridge creating a towering, unaesthetic visual blight on the entranceway to low density residential; and,
7. Entrance at Peel Street is unsafe.

Since the Appeal was received, the developer attempted to resolve the concerns of Mr. Seguin and the residents through meetings and alternative design concepts. As a result, a second application for a new Zoning By-law Amendment was submitted by the Developer and a Notice of Application was circulated to agencies and area residents in September 2012. A Public Meeting date was not set, as Planning Staff were unable to support the proposed application as submitted, and requested that a final concept plan be prepared prior to the Public Meeting.

Although a second application for Zoning By-law Amendment was received, the original appeal to By-law No. 2009-30 remained in effect. The Ontario Municipal Board delayed scheduling a formal Hearing by agreeing to provide additional time to the parties to attempt to resolve the issues of the appeal. A series of extensions were granted, but resolution to the issues was never completed. The Board declined any further extension and scheduled a formal 2-day hearing for April 22-23, 2014.

The developer, with the consent of Mr. Seguin, and with no objections from the Town, wrote to the Board prior to the Hearing indicating that a settlement had been reached and requested the Board to repeal the By-law.

On April 15, 2014 the Board issued an Order that “the appeal against By-law No. 2009-30 of Town of The Blue Mountains is allowed and By-law No. 2009-30 is hereby repealed.” The lands subject to this By-law therefore revert back to their previous zoning being Development ‘D’ and Hazard ‘H’. The Development ‘D’ zone is used primarily as a holding type zone until such time a Zoning By-law Amendment is enacted to permit new development. In the interim, permitted uses including one single detached dwelling (on a lot existing as of the date of passing of the By-law) and a home occupation may be permitted on the lands.

No further action is required by the Town as a result of the Board Order other than administrative updates to the By-law No. 2009-30 to recognize its repeal.

The second application for Zoning By-law Amendment remains open, and pending additional information from the Developer a Notice for Public Meeting will be scheduled in the future.

C. The Blue Mountains’ Strategic Plan

The recommendation contained within this report is consistent with and supports the Strategic Plan goal of managing growth to ensure the ongoing health and prosperity of the community.

D. Environmental Impacts

NIL

E. Financial Impact

NIL

F. In Consultation With

NIL

G. Attached

April 15, 2014 Ontario Municipal Board Order

Respectfully submitted,

Shawn Postma, Planner II

David Finbow, Director of Planning and Building Services

For more information, please contact:

Shawn Postma, Planner II
32 Mill Street, Thornbury, Ontario, N0H 2P0
Phone: 519-599-3131 x248
Email: planning@thebluemountains.ca

ISSUE DATE:
April 15, 2014



PL090492

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Michael Seguin
Subject: By-law No. 2009-30
Municipality: Town of The Blue Mountains
OMB Case No.: PL090492
OMB File No.: PL090492

B E F O R E:

J. ZUIDEMA) Tuesday, the 15th
VICE-CHAIR)
) day of April, 2014

THIS MATTER having been scheduled for a public hearing, and the Board having been advised that the applicant does not wish to proceed with this matter;

THE BOARD ORDERS that the appeal against By-law No. 2009-30 of Town of The Blue Mountains is allowed and By-law No. 2009-30 is hereby repealed.

SECRETARY