



Staff Report

Planning and Development Services

Report To: Committee of The Whole
Meeting Date: April 23, 2018
Report Number: PDS.18.37
Subject: Application for Deeming By-law
Sharon McCormick
Part Lot 46, Lot 47, Plan 723, Part 1, Registered Plan 16R-7838, and
Lot 48, Plan 723 (Cameron Street)
Town of The Blue Mountains
Prepared by: Travis Sandberg, Planner I

A. Recommendations

THAT Council receive Staff Report PDS.18.37, entitled “Application for Deeming By-law, Sharon McCormick, Part Lot 46 and Lot 47, Plan 723, Part 1, Registered Plan 16R-7838, and Lot 48, Plan 723 (Cameron Street) Town of The Blue Mountains”; and

THAT Council enact a Deeming By-law pursuant to Section 50(4) of the Planning Act, so as to deem Part Lot 46 and Lot 47, and Lot 48 of Plan 723 as not being registered lots within a Plan of Subdivision.

B. Overview

The purpose of this report is to review a request to merge two existing lots on Cameron Street into one lot. The Owner wishes to construct an attached accessory building to the home on the enlarged parcel.

C. Executive Summary

Application File # P2629

Application Received Date: March 19, 2018

Official Plan Designation: Residential Recreational Area (RRA)

Zoning Bylaw Designation: Residential Third Density (R3) – Zoning By-law 83-40

Location: South side of Cameron Street, east of the intersection of 10th Line and Cameron Street

Planning Services has received a deeming by-law application proposing to merge two existing parcels at 140 and 142 Cameron Street into one property. Both properties are currently developed with one (1) single detached dwelling and associated accessory structures and are currently serviced by municipal water and private on-site sewage services. The Owner proposes to demolish the existing structure at 140 Cameron Street and construct an attached accessory structure on the subject lands which will be connected to the existing dwelling at 142 Cameron Street.

The Owner wishes to maintain the existing driveway entrances on each parcel in order to provide adequate access to each structure. A minor variance is required to provide relief from S.5.14.3.7(c) of Zoning By-law 83-40 in order to permit two driveways on the lot, which do not connect to each other. A minor variance application has been submitted to Planning Services, however, cannot be processed until the two parcels are merged on-title.

D. Background

An application for a Deeming By-law has been submitted by the Owner of the subject lands requesting to merge part lot 46, lot 47, and lot 48 together into one lot in order to be able to construct an attached accessory structure on the enlarged parcel.

A Deeming By-law is required as the lands cannot be merged together without consent from Council. Section 50(4) of the Planning Act states that:

- (4) The council of a local municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3). R.S.O. 1990, c. P.13, s. 50 (4).*

The Plan of Subdivision 723, was registered in August 1960.

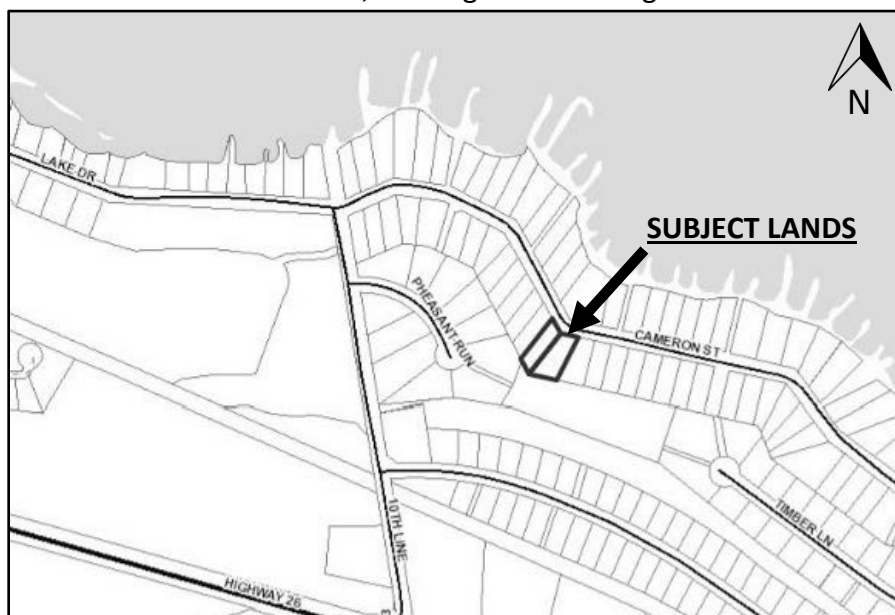


Figure 1: Location Key Map

E. Analysis

The Town of The Blue Mountains Official Plan does not provide specific direction on merging two lots together. The overall intent of the Plan is to provide a wide range of housing types, generous open space, and to maintain the residential resort character of the area.

The proposed deeming bylaw and resulting parcel fabric will be utilized for low-density residential purposes, as permitted in the Residential Recreation Area designation of the Official Plan. The resulting parcel fabric complies with the provisions of the Residential Third Density Zone (R3) of Zoning By-law 83-40, and provides an adequate building envelope to accommodate the proposed addition to the existing detached dwelling.

Planning Staff recommend that Council enact a Deeming By-law in order to merge Part Lot 46, Lot 47, Plan 723, Part 1, Registered Plan 16R-7838, and Lot 48, Plan 723 into one lot.

F. The Blue Mountains Strategic Plan

Goal #3: Support Healthy Lifestyles

G. Environmental Impacts

None.

H. Financial Impact

Removal of one lot from Cameron Street may impact taxation and contributions to future local servicing projects.

I. In consultation with

None.

J. Attached

1. Draft Deeming By-law

Respectfully Submitted,

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Planner I

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Director of Planning and Development Services

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The Corporation of the Town of The Blue Mountains

By-Law Number 2018 –

Being a By-law to designate a Plan of Subdivision, or part thereof, not to be a Registered Plan of Subdivision for the purposes of Subsection 50(3) of the Planning Act.

Whereas the Council of the Corporation of the Town of The Blue Mountains has authority pursuant to subsection 50(4) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to designate a Plan of Subdivision, or part thereof, that has been registered for eight years or more, to be deemed not to be a registered Plan of Subdivision for the purpose of subsection 50(3) of the Planning Act;

And Whereas Part Lot 46, Lot 47, Plan 723, Part 1, RP16R-7838 and Lot 48 within Registered Plan 723 are currently separate Lots within the Registered Plan;

And Whereas Registered Plan No. 723 has been registered in the Registry Office for the Registry Division of the County of Grey for eight years or more;

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

1. Part Lot 46, Lot 47, Plan 723, Part 1, RP16R-7838 and Lot 48 of Registered Plan 723 are hereby deemed not to be separate lots within a registered Plan of Subdivision for the purposes of Subsection 50(3) of the Planning Act.
2. This By-law shall come into full force and take effect on the date it is enacted by the Council of the Corporation of the Town of The Blue Mountains, subject to the provisions of subsection 50(27) of the Planning Act.
3. This By-law shall be registered by the Corporation of The Town of The Blue Mountains in the Land Registry Office for the Registry Division (16) of the County of Grey.

Enacted and passed this 7th day of May, 2018

John McKean, Mayor

Corrina Giles, Clerk