

STAFF REPORT: Town of The Blue Mountains Planning Department



REPORT TO: Mayor and Members of Council

MEETING DATE: March 03, 2008

REPORT NO.: PL.08.21

**SUBJECT: Application for Consent
File No. B25-2007
Elka Seccombe
Lot 4, Registered Plan 880;
Town of The Blue Mountains**

**PREPARED BY: Shawn Postma,
Planner II
Robert Armstrong,
Manager of Development Planning & IS**

A. Recommendations

THAT Planning Staff does not support Application for Consent File No. B25-2007.

B. Background

Location



The purpose of Consent application B25-2007 is to consider a request by the applicant to sever an existing residential lot containing a single detached dwelling into two equal residential parcels each measuring 2,053 square metres in size.

The subject property is a registered lot within the Hawthorn Estates Subdivision. Hawthorn Estates was registered in two phases, Plan 880 encompassing Lots 1 to 9, and Block A was registered in 1966; and Plan 937 encompassing Lots 10 to 17 was registered in 1974. No alterations to any of the lots have occurred since registration.

The subject lands are serviced by Municipal water and sewer services, with frontage onto Arrowhead Road and Margaret Drive, both opened and maintained public streets.

The surrounding land uses include predominantly single detached residential dwellings to the north, south and west; and undeveloped residential lands to the east of the subject lands.

Official Plan

The Town of The Blue Mountains Official Plan provides General Development Policies in Section 3. This section of the Plan recognizes that the Town of The Blue Mountains embraces a wide diversity of urban, rural and recreational amenities, which serves as a four seasons recreational destination. The policies provide direction to all forms of development in all areas of the municipality. New development within the major residential and resort areas including Craigeith have been selected for more concentrated forms of urban development and growth. Special attention shall be given to maintain and enhance the open landscape character of the resort residential areas, where the low density distribution and open space requirements are intended to reflect the open landscape character of the resort areas. New development shall generally be designed in a compact and clustered form including generous open space components to impart a recreational image. Typically, wooded areas, hazard areas, and other natural/cultural features shall be considered essential components to the open landscape character. (s.3.2.5(2))

The subject property is designated Residential Infilling 'RI' in the Plan. The purpose of the Residential Infilling designation is to recognize existing residential plans of subdivision which have been registered and other existing residential areas which have been substantially developed. The policies of this designation state that within registered plans of subdivision further lot creation shall generally be prohibited in order to maintain the intended density and character of the development. The Plan goes on to state that in other areas designated Residential Infilling, individual consents for residential purposes may be considered where:

- (a) the lot(s) being created are of a similar size to those in adjacent areas.
- (b) the development would not adversely affect the character of the area or the natural environment.

- (c) services are provided in accordance with the servicing requirements of Section 5.
- (d) the creation of the new lot does not result in an additional access onto Highway 26.
- (e) the lot complies with the provisions of Section 3.15.

The policy is intended to provide a general prohibition to new lot creation within a Plan of Subdivision which is applicable to these lands. Only in certain cases where it can be considered appropriate should further lot creation be allowed. The intent of the Plan is to recognize those areas of the Municipality where oversized lots within a plan of subdivision exists, and when the resulting lot size would be consistent with the size and character to those of the area.

The character of the area is comprised mostly of large estate lots with large homes. The larger lot sizes were typical for the time they were developed (1966/1974), where provisions for on site water and sewer services existed, and also to impart privacy and seclusion which is desired in a vacation property. Subdivisions of this style and character are no longer developed, partly because of current Official Plan policy that requires open space areas to be on separate blocks and clustering of dwellings, servicing requirements, and the overall costs related to development. Because of the uniqueness of the area, the Plan intends to protect and preserve these historical areas in their original state.

Residential Infilling is further described under Section 3.15 of the Plan. Infilling is encouraged where it generally conforms to the style and character of surrounding development. New lots must comply with density and lot size provisions, where new lots for infilling purposes shall generally be consistent with the size of lots in the surrounding area. 3.15(5) identifies that a plan of subdivision is designed with the purpose of establishing a particular character for development. As a general rule, the further division of a lot or block within a registered plan shall not be permitted unless specifically provided for under this plan.

Here again, the Plan reinforces the need to maintain the style and character of existing subdivisions. Looking at the existing lot sizes and those proposed, the lot sizes along Margaret Drive range in size from 3,400 sq m to 5,400 sq m with the average size being 4,350 sq m. Block 'A' also provides the open space component representing 5% of the total area of the subdivision. This consent proposes to take the existing 4,106 sq m lot and divide it equally in half into two 2,053 sq m parcels. The subject property before the proposed severance is below the average lot size of those in the subdivision. The resulting two new lots as proposed would become the smallest lots in the subdivision, having 60% of the lot area of the existing smallest lot and 47% of the lot area of the average lot.

Looking beyond the Hawthorn Estates Subdivision, the Alpine Flatlands Subdivision (Plan 1126) was recently developed under the Craigeith Camperdown Secondary Plan

(CCSP) policies. Smaller lot sizes on full municipal services were provided in a more clustered form with provisions for 40% of the lands to be in open space. Plan 1126 has lot sizes in the range from 1275 sq m to 1760 sq m with the average lot size being 1559 sq m. The open space blocks represent 46% of the total area of the subdivision.

Looking beyond the Alpine Flatlands Subdivision, existing vacant lands with development potential are designated Recreational Residential 'RR'. It is intended that development be low in density with the provision of generous open space to facilitate recreational opportunity and to maintain the resort image of the area. Development shall generally be designed in a clustered manner so that 40% of the lands comprise of the recreational open space component. Density shall not exceed 2.5 units per hectare (UPH) subject to satisfying the 40% open space requirement. Increased densities not exceeding 5 UPH may be permitted provided that additional recreational lands and/or facilities are provided to the satisfaction of Council.

Comparing the proposed consent with current development policies, the Hawthorn Estates subdivision is built prior to the current Official Plan and CCSP, to a lot density of 2.19 UPH with provisions for 5% open space. The older style of subdivision, coupled with the larger average lot size of 4,343 sq m provides the additional open landscape character on each lot itself. No additional recreational facilities were provided. Again, Alpine Flatlands is built to a lot density of 3.5 UPH providing smaller lots, with increased (46%) open space. Alpine Flatlands in conjunction with the Tabera Subdivision, and Alpine also provided the additional recreational facilities as required by the Plan in order to permit the higher lot density. Future residential development will require to be clustered with generous open space, with lot densities ranging from 2.5 UPH to 5 UPH.

Zoning By-law

The subject lands are zoned Estate Residential (ER) within the Township of Collingwood Zoning By-law 83-40. Permitted uses within the Estate Residential (ER) Zone include a single detached dwelling; as well as uses, buildings and structures accessory to those uses. Minimum lot frontage and area requirements are 30 metres and 1,200 square metres respectively.

The proposed lot configuration appears to comply with the minimum requirements of the Estate Residential (ER) Zone regulations.

The proposed new lot would appear to provide similar lot frontage, plus similar side yard and front yard setbacks consistent with other properties along Margaret Drive. If the two lots were to be developed to their maximum potential, the total lot coverage for each lot could be 306.5 sq m. At 2½ storeys tall, a maximum 789.6 sq m. home could be constructed without an amendment to the By-law.

Additional Comments

The Provincial Policy Statement promotes intensification through the development of a property, site or area at a higher density than what currently exists. This is accomplished through redevelopment, through the development of vacant and/or under utilized lots within previously developed areas, through infill development, and through the expansion or conversion of existing buildings. It has been argued that the proposed consent meets the above PPS criteria for intensification. It would appear that this statement is vague only requiring more than what is there now. No argument or justification has been put forward on whether there should be minimum or maximum limitations on how much intensification a lot should sustain, or what levels of intensification may or may not be considered appropriate.

Council recently heard a similar application for consent on Craigmore Crescent. In this proposal two existing lots would be split to create three new lots, with each new lot having approximately two thirds the lot frontage and area from the original configuration. Planning Staff did not support the new lots, and Council ultimately refused the application on the basis that it was the intent of the Plan to not permit further lot creation in existing plans of subdivision. The decision was appealed and overturned by the Ontario Municipal Board. The case primarily hinged on one issue, being the interpretation of Section 4.12.3(2) and Section 3.15 of the Official Plan which identifies the general prohibition of creating a new lot within a registered plan of subdivision in order to maintain the intended density and character of the development. The Board adopted the opinion evidence of Mr. Slade (Planner for the owner) that the proposed severances conform with the Official Plan in maintaining the character of development in the area. The Board ordered that the appeal is allowed and consent given subject to conditions.

It is our opinion that this Board decision does not set a precedence that all consents should be permitted within registered plans of subdivision, nor does it influence the consent application at hand. There are substantial differences between the two applications including the resulting lot sizes compared to those in the surrounding area, the open space requirements, and the surrounding lot density and character of the area. It is our opinion that the above Board decision should not influence Council's decision on this application.

The statutory public meeting was held the 17th day of December, 2007, as required under the Planning Act. A number of area property owners were in attendance who submitted letters of support and opposition to the consent application. Comments against (8 letters including 2 verbal) the proposed severance included concerns that the new lot; would not preserve the character of the existing density of the subdivisions lots, would devalue the surrounding lots, would open the door for additional severances on the street, and is being done for the financial gain of one land owner to sell off a lot. Comments supporting the severance indicated that there would be no de-valuation on

surrounding land values, as smaller lots in new subdivisions in the area were of high value.

Comments were also received from our agencies. The County of Grey identifies that Karst topography may be on the lands, and an Environmental Impact Study may be required. The Grey Sauble Conservation Authority has no objections.

If Council were to approve the proposed consent applications, a number of conditions should be attached, including, but not limited to, a requirement on the Applicants to satisfy the Karst requirements of the County, to obtain an entrance permit for the new parcel, and the payment of development charges and parkland dedication.

Based on the foregoing, it is the opinion of Planning Staff that the proposed consent does not comply with the Town of The Blue Mountains Official Plan, and is not appropriate for the lands. The proposed new lot would generate an adverse impact on the character of the area. The older subdivision style should be preserved based on their original intended character, density, design and lot sizes. It is inappropriate to compare this subdivision style with the newer subdivision style, where similar densities are provided, but in the more clustered form, with provisions for generous open space. If this consent were granted, based on the minimum lot frontage and lot area requirements of the Zoning By-law, an additional three lots above the new one proposed could be considered further adding to the loss of character and dismissive approach to maintaining comparable lot sizes within the existing Hawthorne Estates subdivision. Planning Staff therefore recommends that Application for Consent B25-2007 be refused.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report PL.08.21 is consistent and supports the following Strategic Plans Goals:

"1. Managing growth to ensure the ongoing health and prosperity of the community".

D. Budget Impact

N/A

E. Attached

1. Registered Plan 880
2. Registered Plan 937

Respectfully submitted,

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