

REPORT: Planning & Building Services Department



REPORT TO: Planning & Building Committee
DATE: November 7, 2011
REPORT NO.: PL.11.113
SUBJECT: Application for Consent
File Nos. B04-2011 and B05-2011; and
Zoning By-law Amendment -
Jeremy Gourlay
Town Plot Park Part Lots 5 and 6, Alfred
E/S; Part Lot 5 and Lot 6, Plan 107;
21 Alice Street West;
22 Alfred Street West;
Town of The Blue Mountains

PREPARED BY: Bryan Pearce,
Planner I

A. Recommendations

THAT Council receive Planning Staff Report PL.11.113, “Application for Consent File Nos. B04-2011 and B05-2011; and Zoning By-law Amendment – Jeremy Gourlay; Town Plot Park Part Lots 5 and 6, Alfred E/S; Part Lot 5 and Lot 6, Plan 107; 21 Alice Street West; 22 Alfred Street West; Town of The Blue Mountains”; and

THAT Council authorize Consent No. B04-2011, subject to the following conditions:

- 1. That the Applicant meet all the requirements, financial and otherwise of the Town, 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 to the property abutting to the east in accordance with Section 50 (3) of the *Planning Act, R.S.O. 1990*.**
- 4. That any existing mortgage commitment on the severed parcel be extended to cover the whole, newly created parcel.**
- 5. That an Entrance Permit be obtained from the County of Grey Transportation and Public Safety Department for the newly enlarged parcel.**
- 6. That a Demolition Permit be obtained to the satisfaction of the Town’s Chief Building Official for the removal of the existing carport, gazebo and shed.**
- 7. That the existing water well within the westerly side yard of the dwelling be abandoned in accordance with the Wells Regulation 903 under the *Ontario Water Resources Act, R.S.O. 1990, c. O.40*.**
- 8. That Council enact a Zoning By-law Amendment to rezone the proposed newly enlarged residential parcel to the Development D Zone.**

THAT Council authorize Consent No. B05-2011, subject to the following conditions:

- 1. That the Applicant meet all the requirements, financial and otherwise of the Town, 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 to the property abutting to the south in accordance with Section 50 (3) of the *Planning Act, R.S.O. 1990*.**
- 4. That any existing mortgage commitment on the severed parcel be extended to cover the whole, newly created parcel.**
- 5. That Council enact a Zoning By-law Amendment to rezone the proposed newly enlarged residential parcel to the Development D Zone. And further**

THAT Council enact a Zoning By-law Amendment to rezone the proposed newly enlarged residential parcel to the Development D Zone.

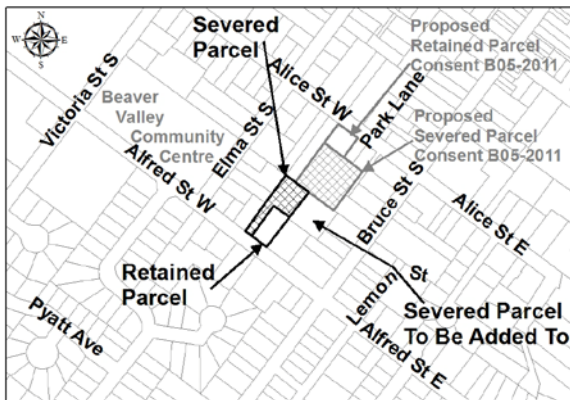
B. Background

The proponent has filed with the Town two consent applications and a related zoning by-law amendment application.

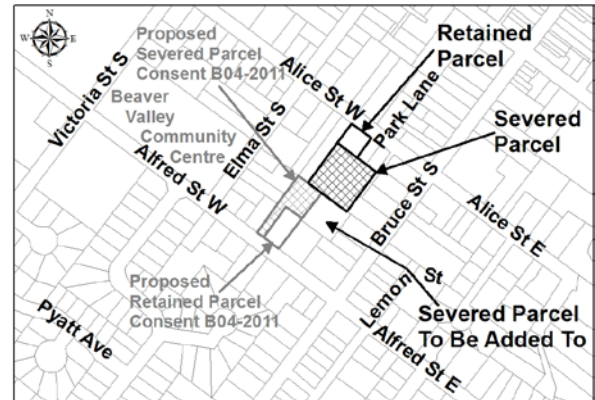
The purpose of Application for Consent File No. B04-2011 is to sever a 2,614 square metre vacant residential parcel on the property and deed it as a lot addition to the existing 2,509 square metre vacant residential parcel to the east for future residential development. A 1,426 square metre residential parcel would be retained, containing an existing dwelling and a detached shed. It lieu of the comments received prior to the public meeting, it was noted at the public meeting that the proponents wish to minimally revise the parcels so to have 17 metres of lot frontage on the severed parcel and reduce the retained parcel's depth to 50.1 metres to be consistent with the rear lot line of the abutting residential lot to the east. Since the public meeting they have refined their request to have 16 metres of lot frontage on the severed parcel to improve upon the access to the stairs upon the westerly face entrance to the stairs. Therefore the intent is to sever an additional 213 square metres of land, resulting in a severed parcel of 2,827 square metres and a retained parcel of 1,213 square metres.

The purpose of Application for Consent File No. B05-2011 is to request to sever a 4,455 square metre vacant residential parcel on the property and deed it as a lot addition to the existing 2,509 square metre vacant residential parcel to the south for future residential development. A 1,125 square metre residential parcel would be retained, containing an existing dwelling.

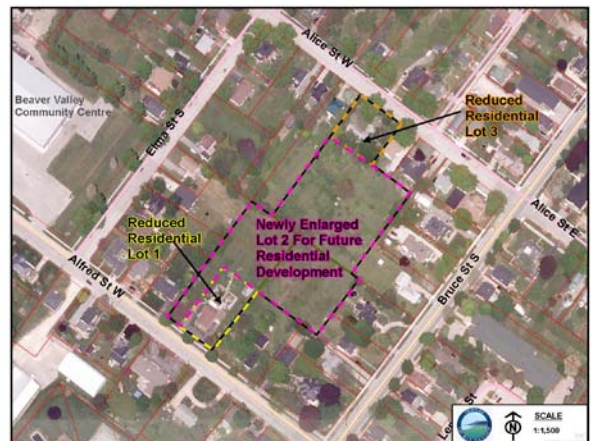
Consent Application B04-2011:



Consent Application B05-2011:



The intent of this application is to adjust the current lot lines on three adjacent properties to create two reduced residential lots (1,163 square metres for 22 Alfred Street West and 1,125 square metres for 21 Alice Street West) and an enlarged lot for future residential development (9,841 square metres), as detailed in the figures below:

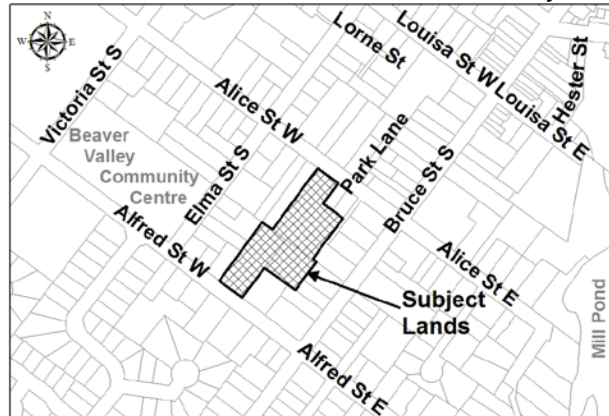


The subject lands front onto Alice Street West and Alfred Street West within the community of Thornbury, with a civic address of 21 Alice Street West and 22 Alfred Street West. It should be noted that the subject lands front onto municipal water and wastewater services, with each dwelling connected to the service from the street.

The lands are owned by Jeremy Gourlay and Kathryn Penny (22 Alfred Street West); F. Paul Penny Industrial Sales Limited (21 Alice Street West); 1732468 Ontario Inc c/o Jeremy Gourlay (square parcel in between the other two lots), who has authorized Krystin Rennie of Georgian Planning Solutions to act on their behalf of these planning applications. The Agent has submitted a planning justification report, as supporting documentation with these planning applications.

The surrounding uses include existing residential lots within the community of Thornbury, predominately developed upon in the immediate area in all directions.

The Proponent has also filed an Application for Zoning By-Law Amendment in conjunction with the two consent applications. The subject lands associated with this application is shown in the figure to the right.



Planning Comments

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act* and be consistent with the Provincial Policy Statement (PPS-2005). Within the Town of The Blue Mountains they must also make decisions that conform to the County of Grey Official Plan and Town of The Blue Mountains Official Plan; and make decisions that represent good land use planning.

Provincial Interest – Legislation, Policy, Guidelines

The PPS-2005 supports these lot addition proposals under Section 1.1.3, as settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Planning Staff note that these lot addition proposals are not creating any development potential by adjusting the existing lot lines, but it assembles a larger parcel of land for future residential development which will require further planning processes.

Planning Staff are of the opinion that these lot addition proposals are consistent with the PPS-2005, raising no issues of Provincial significance.

County of Grey Official Plan

All development must conform to the purposes and policies of the County of Grey Official Plan.

The subject lands are designated as Urban within the County of Grey Official Plan, as Thornbury is within the settlement area; and local land use policies and development standards shall apply.

Section 5.2.2(6)(f) of the Official Plan states that any applications for development shall be referred to the appropriate approval authority as the lands are abutting a County Road (Alfred Street West). Planning Staff note that comments have been

received from County of Grey Transportation and Public Safety Department, as they have road authority for Alfred Street West (Grey Road 113).

Therefore it is Planning Staff's opinion that the proposal conforms with the County Official Plan for this lot addition proposal.

Town of The Blue Mountains Official Plan

The subject lands are designated Residential (RES) within the Thornbury Urban Area of the Town of The Blue Mountains Official Plan. Section 4.27.3.1 policies state that the predominant use of land within this designation shall be for a wide range of residential uses.

There are consent policies under Section 9.3 of the Official Plan, this is detailed below:

It is noted that Section 9.3(4) of the Official Plan requires that consents for assembling land for future subdivision of land be protected from development until such time the plan of subdivision is approved. Planning Staff note that the proposed Zoning By-law Amendment would not allow any development to occur on the proposed newly enlarged parcel. Proposed development of the newly enlarged parcel would be subject to future planning applications that would be subject to a further public meeting(s) through the provisions of the Planning Act.

Subsection 9.3(7) of the Official Plan notes consents may be granted for boundary adjustments and easements which do not create separate lots and evaluated on their own merits. Merit has been provided by the Agent mentioned above. It further notes that lot additions may affect existing mortgages, thus Planning Staff recommend as a condition of consent on the two consent applications, that any existing mortgage commitment on the severed parcel be extended to cover the whole, newly created parcel.

Therefore, it would appear that the proposed consents conforms to the policies of the Official Plan, subject to the conditions noted above; and that the zoning by-law amendment conforms to the policies of the Official Plan.

Zoning By-law

The subject lands are zoned Residential R2 within the Town of Thornbury Zoning By-law 10-77. The proposal is to retain the proposed retained residential parcels in the Residential R2 Zone. These retained parcels conform to the minimum requirements for lot frontage and lot areas and appear to be compliant with associated minimum setbacks and maximum lot coverage regulations of the Zoning By-law.

An amendment is required and desirable to limit the proposed future residential development lands from development at this time to allow for orderly development

through future planning processes. The proposal is to rezone the proposed newly enlarged residential parcel to the Development D Zone. Planning Staff note that the D Zone does not permit any development in this case, as the lot was not existing at the time of passage for the former Town of Thornbury Zoning By-law 10-77, being May 2nd, 1977. Any future development will require an amendment to the Zoning By-law, requiring further public input.

There is an existing carport, gazebo and shed that would not be in compliance with the setbacks to the proposed newly created rear and side lot line on Consent Application B04-2011 (22 Alfred Street West). As a condition of approval to Consent Application B04-2011, the proponent is required to obtain a demolition permit to the satisfaction of the Town's Chief Building Official for the removal of the existing carport, gazebo and shed.

Additional Comments

Agency Comments

Comments were received from the County of Grey - Planning and Development Department; County of Grey – Transportation and Public Safety Department (TAPS); Grey Sauble Conservation Authority (GSCA); and Historic Saugeen Metis. These comments are summarized below.

The County of Grey - Planning and Development Department have no issues of concern, provided positive comments are received from County of Grey – TAPS Department.

The County of Grey – TAPS Department have no issues of concern with the proposal, provided that an entrance permit be obtained for the street frontage on Alfred Street West (Grey Road 113). Planning Staff recommend that as a condition of approval to consent that the proponent will be required to obtain an Entrance Permit from the County of Grey – TAPS Department for proposed entrance onto Alfred Street West (Grey Road 113) for the proposed newly enlarged parcel by adjusting the existing westerly entrance to be fully contained on the said parcel related to Consent Application B04-2011. It is noted that the retained parcel would still have the easterly entrance for vehicular access to the existing dwelling for 22 Alfred Street West.

The GSCA has no issues of concern with the proposed consents and zoning by-law amendment.

The Historic Saugeen Metis has no issues of concern with these planning applications.

Interdepartmental Comments

Comments were received from Engineering and Public Works Department (EPW), having no issues of concern with the proposal.

Planning Staff notes that no other interdepartmental comments have been received on these applications; and therefore no further issues of concern has been raised for this proposal.

Public Meeting Comments

Based on the site visit conducted on July 8, 2011, the placards for consent and the related zoning by-law amendment were posted on-site at both road frontages, being Alice Street West and Alfred Street West, along with hand delivery circulation of the Notices to area assessed property owners and applicable agencies on June 15 and 16, 2011.

The public meeting was held on July 11, 2011, as per Council's policy and as required under the *Planning Act*. Additional comments were received through the Council Meeting with the public in attendance. Attached for Council's information are the minutes from the meeting. To assist Council, Planning Services Staff have compiled a list of issues of concern raised at the Public Meeting along with Planning Services comments:

Density

Concern was expressed with respect to the possible and potential density and built-form of future development on the lands given that the Town's Official Plan contains policies that permit, subject to various criteria, a wide range of residential uses and densities dependent on the form of units proposed.

Planning Staff note that no development is proposed with these planning applications. Future planning processes through a public process will be required for the proposed newly enlarged parcel for any development proposal.

Drainage

Concern was expressed with respect to drainage.

Planning Staff note that no development is proposed on the lands to be enlarged at this time. If, and when, future development plans come forward, the Town will require works to be undertaken to address stormwater management issues.

Potential street access

Potential/possible road access to the enlarged parcel was identified as an area of concern.

The proponent has identified that a 16 metre wide parcel of land fronting Alfred Street West for the proposed newly enlarged residential parcel for future residential

development is to be provided with it being noted that the proponent's surveyor has confirmed that the existing dwelling located adjacent to the proposed access will continue to be compliant with the minimum side yard setback within the R2 Zone.

Future planning processes would review the appropriateness of the 16 metre wide parcel with it being noted that given the Town's current Engineering Standards that same would not qualify as a public road. It is noted that many developments exist within the Town with private (condominium) driveway accesses of less than 16 metres. Planning Staff note that a condominium development is required to have a minimum 6 metre wide vehicular access to support ingress/egress and fire department vehicles along with appropriate buffer areas, sidewalks and servicing connections/easements.

Private on-site trees

Trees on private property are not regulated by the Town unless a development requires a tree preservation plan, regulated under the Tree Preservation By-law, as amended. Planning Staff note that the subject lands are not regulated by the associated By-law, nor any residential lot within this Block.

Town-owned lane (off of Alice Street West)

Questions arose with respect to the width of the lane.

Planning Staff note that Plan 107 notes the said lane is 4.9 metres (16 feet) wide by 100.8 metres (330.6 feet) in depth off of Alice Street West, running the span of the first four lots rear lot lines that front onto Bruce Street within Plan 107.

Town Right-of-way – Bruce to Elma Streets

A comment was made that there existed a public right-of-way from Bruce to Elma Street.

Planning Staff note that there is not a right-of-way through this Block (Bruce to Elma, and Alice to Alfred) and that former Plan 107 used to have a portion of land labelled 'skating rink' – which now forms part of 77 Elma Street South.

Planning Staff further note that the north ½ of the Block (Bruce to Elma, and Alice to Alfred) is under the former Plan 107, former Plan 100 covers the lands the southeast quadrant of the Block, while Reference Plan 16R-130 covers the 4 residential lots on the southwest corner of the Block, and with Reference Plan 16R-7658 to the north covering 3 additional residential lots.

Valuation adjustments of area lots

It was brought up that there would be loss to property values in the area.

Planning Staff note that the Planning Act, Provincial Policy Statement, County of Grey Official Plan, The Blue Mountains Official Plan and Zoning By-law do not have regard to land evaluation. Further, Planning Staff note that no development is proposed with these planning applications.

The potential impact on the value of the surrounding lands would best be addressed by the appropriate professional who has expertise in this field.

Written Correspondence Received From the Public

Ten comments were received from the public on the proposal. Other issues of concern raised in the written correspondence over and above the comments noted above:

Additional rear yard space to abutting residential lots

Planning Staff note that this is not the proposal, nor would it be the efficient use of land within the community. Planning Staff note that the existing lots outside of subject lands in Block range from 650 square metres to 2300 square metres in lot area.

Concept plan

It was noted that a concept plan should have been required with the submission.

Planning Staff note that development is not proposed at this time and that the provision of a concept plan would bring no guarantee that the lands would proceed in accordance with same. Planning Staff further note that the Town's Official Plan contains policies that anticipate land consolidation in advance of further planning applications and that the subject lands are proposed to be rezoned from a Residential R2 Zone to a Development D Zone that will preclude development from proceeding without a formal application to rezone the lands.

Noise/traffic

It was noted that there would be additional noise/traffic associated with this proposal. Planning Staff note that there is no development potential with these planning applications and therefore additional noise or traffic will not be generated and additional studies are not warranted at this time. If a future development application proceeds, noise and traffic studies will be required.

Parkette

It is noted that any future residential development of the subject lands will be subject to a 5% parkland contribution or cash-in-lieu thereof.

Additional Comments

Planning Staff recommend that as a condition of approval of the two consents that the Applicant meet all the requirements, financial and otherwise of the Town for the Certificate of Consent to be issued.

Further, Planning Staff recommend that as a condition of approval of the two consents that the applicant provides a description of the land to be severed which can be registered in the Land Registry Office.

Further, Planning Staff recommend that as a condition of approval of the two consents that the severed parcel be deeded as a lot addition to the property abutting (to the east for B04-2011 and to the south for B05-2011) in accordance with Section 50 (3) of the *Planning Act, R.S.O. 1990*.

Further, Planning Staff recommend that as a condition of approval of the two consents that any existing mortgage commitment on the severed parcel be extended to cover the whole, newly created parcel, as proposed earlier in this report.

Further, Planning Staff recommend that as a condition of approval of Consent Application B04-2011 that an Entrance Permit be obtained from the County of Grey Transportation and Public Safety Department for the newly enlarged parcel, as proposed earlier in this report.

Further, Planning Staff recommend that as a condition of approval to Consent Application B04-2011 that the proponent is required to obtain a demolition permit to the satisfaction of the Town's Chief Building Official for the removal of the existing carport, gazebo and shed, as noted earlier in this report.

Further, Planning Staff recommend that as a condition of approval to Consent Application B04-2011 that the proponent is required to abandon the existing water well within the westerly side yard of the dwelling in accordance with the Wells Regulation 903 under the *Ontario Water Resources Act, R.S.O. 1990, c. O.40*. Planning Staff note that the abandonment of the well is required due to the proximity of the proposed lot lines and the existing location of the well. The Ministry of Environment has a technical bulletin called *Wells Regulation – Well Abandonment: When to Plug & Seal a Well* that can be referenced for this process.

Furthermore, Planning Staff recommend that as a condition of approval to the two consents that Council enacts the zoning by-law amendment, as noted earlier in this report.

Summary

Based on the foregoing, it is the opinion of Planning Staff that the proposed two consents and zoning by-law amendment conform to the intent and direction of the Town of The Blue Mountains Official Plan and represent good planning. Therefore, Planning Staff support these applications subject to the conditions noted in this report.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report PL.11.113 is consistent and supports the following Strategic Plans Goals:

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

D. Environmental Impact

The proposal does not appear to generate any special or significant environmental impacts.

E. Budget Impact

N/A

F. In Consultation With

Planning Staff has circulated the Notices of the applications to all Town Departments for comment. These comments, if any, are noted above in this report under the subheading of Interdepartmental Comments.

G. Attached

1. Excerpt of July 11, 2011 Council Minutes of the Public Meeting
2. Draft Decision of Consent Application No. B04-2011
3. Draft Decision of Consent Application No. B05-2011
4. Draft Zoning By-law Amendment

Respectfully submitted,

Bryan Pearce, HBA, CPT
Planner I
32 Mill Street, PO Box 310
Thornbury, ON NOH 2PO
Phone: 519-599-3131 ext.269
Fax: 519-599-3018
bpearce@thebluemountains.ca

David Finbow
Director of Planning & Building Services Department
32 Mill Street, PO Box 310
Thornbury, ON NOH 2PO
Phone: 519-599-3131 ext.246
Fax: 519-599-3018
dfinbow@thebluemountains.ca

Councillor Gamble then questioned if this Health Centre is connected to the Owen Sound Health Centre as many residents of Blue Mountains are forced to use the Owen Sound Health Centre because of where they live, Albert replying they are not connected to the Owen Sound Health Centre.

Deputy Mayor McKinlay then questioned where the border is in The Blue Mountains of eligibility to use the Owen Sound or Wasaga Beach Health Centres, Albert replying that he is working with his partners on identifying service areas.

Mayor Anderson then suggested Albert review with his colleagues ways in which good flow of information is provided to clients, with follow-up calls, to ensure clients are receiving the proper care at the appropriate Health Centre, Albert replying he will work on this.

Mayor Anderson thanked Mr. Henriques for his presentation, and he retired from the meeting.

B.4 Public Meeting – Application for Consent, B04-2011, B05-2011 and Zoning By-Law Amendment
 Town Plot Park Part Lots 5 and 6, Alfred E/S; Part Lot 5 and Lot 6,
 Plan 107, Town of The Blue Mountains -
 F. Penny Industrial Sales Limited, 1732468 Ontario Inc c/o Gourlay

The Clerk read the Notice of Application, B04-2011 noting the Applicant is Jeremy Gourlay and Kathryn Penny, and the Agent is Krystin Rennie of Georgian Planning Solutions.

The Clerk noted the purpose and effect of this consent is to consider a request to sever a 2,614 square metre vacant residential parcel on the property and deed it as a lot addition to the existing 2,509 square metre vacant residential parcel to the east for future residential development. A 1,426 square metre residential parcel would be retained, containing an existing dwelling and a detached shed.

This consent is submitted in conjunction with Consent Application No. B05-2011 and an Application for Zoning By-law Amendment. The purpose of the planning applications is to adjust current lot lines on three adjacent properties to create two reduced residential lots and an enlarged lot for future residential development.

The legal description of the property is Town Plot Park Lot 6, Alfred E/S. The severed parcel has a frontage of 14.0 metres, a depth of 100.4 metres and an area of 2,614 square metres. The retained parcel has a frontage of 26.2 metres, a depth of 54.4 metres, and an area of 1,426 square metres. The property is on an open and maintained municipal road (Alfred Street) and has municipal sewer and municipal water.

The land is subject to an application for zoning by-law amendment.

The Clerk then read the Notice of Application, B05-2011 noting the Applicant is Paul Penny Industrial Sales Limited, c/o Jeremy Gourlay, and the Agent is Krystin Rennie, Georgian Planning Solutions.

The Clerk noted the purpose of this consent is to consider a request to sever a 4,455 square metre vacant residential parcel on the property and deed it as a lot addition to the existing 2,509 square metre vacant residential parcel to the south for future residential development. A 1,125 square metre residential parcel would be retained, containing an existing dwelling.

This consent is submitted in conjunction with Consent Application No. B04-2011 and an Application for Zoning By-law Amendment. The purpose of the planning applications is to adjust current lot lines on three adjacent properties to create two reduced residential lots and an enlarged lot for future residential development.

The legal description is Part Lot 5 and Lot 6, Plan 107, Town of The Blue Mountains.

The severed parcel has a frontage of 0.0 m., a depth of 66.8 m. and an area of 4,455 sq. metre. The retained parcel has a frontage of 33.5 m., a depth of 33.6 m. and an area of 1,125 sq. metres

The property has access on an open and maintained municipal road (Alfred Street) and has municipal water and municipal sewer.

The Clerk then read the Notice of Application & Public Meeting to Consider a Zoning By-Law Amendment.

The Clerk noted the purpose of this proposed By-law would be to address a potential condition of Consent on Applications B04-2011 and B05-2011 which have been submitted in conjunction with this Application for Zoning By-law Amendment. The purpose of the planning applications is to adjust current lot lines on three adjacent properties to create two reduced residential lots and an enlarged lot for future residential development. An amendment is required to limit the proposed future residential development lands from development at this time.

The Clerk noted the effect of this By-law would be to rezone the proposed newly enlarged parcel to the Development D Zone.

The Clerk noted the subject lands of this By-law are owned by F. Paul Penny Industrial Sales Limited, 1732468 Ontario Inc c/o Jeremy Gourlay, and Jeremy Gourlay and Kathryn Penny, who have authorized Krystin Rennie of Georgian Planning Solutions as the Agent. The Agent has submitted a Planning Justification Report in conjunction with the planning applications. The subject lands are legally described as Town Plot Park Part Lots 5 and 6, Alfred E/S; Part Lot 5 and Lot 6, Plan 107; Town of The Blue Mountains. These lands are locally described as being located on the south side of Alice Street West with a civic address of 21 Alice Street West, and on the north side of Alfred Street West with a civic address of 22 Alfred Street West.

Any person or agency may attend the Public Meeting and/or make written or verbal representation either in support of or in opposition to the proposed Amendment.

If a person or public body does not make oral submissions at a public meeting or make written submissions to The Corporation of the Town of The Blue Mountains before the by-law is passed, the person or public body is not entitled to appeal the decision of The Corporation of the Town of The Blue Mountains Council to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to The Corporation of the Town of The Blue Mountains before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

The Clerk then read correspondence received from County of Grey Planning and Development Department, County of Grey Transportation and Public Safety Department, Grey Sauble Conservation Authority, D.C. Slade Consultants Inc., Andrea McDonald, Fraser McDonald, Marie and Robert MacDairmid, Donald Parks, Gerry Solursh, Glenn and Rosemary Donley, Kelly and Andrea Nicholls, and Donna Graham.

Planner Bryan Pearce then reviewed the applications, identified the location of the property and proposed intent of the applications.

Bryan provided an overview of the proposal noting adjusting the current lot lines and creating a newly enlarged lot does not allow for development at this time. Bryan noted in order for development to occur on the newly enlarged lot a development proposal or a form of planning application would be required.

Krystin Rennie, Planning Consultant for the Applicant then spoke addressing Council and reiterated the purpose of the public meeting is to adjust the lot lines between three adjacent parcels.

Krystin noted the zoning by-law amendment would rezone the large parcel to the Development Zone.

Councillor Halos then spoke questioning the width of the proposed road allowance, Krystin replying the proposed road allowance would be condo road width.

Councillor McKean then spoke questioning the purpose of the small sliver of land onto Alice Street, Bryan replying it is a Town owned access lane for public use, further noting the width is unknown at this time. Bryan noted he will look into this and report back.

Councillor Ardiel then questioned the proposed size of the enlarged parcel, Krystin replying approximately one hectare, Bryan then noting the density would depend on the type of development.

Joe then referenced Mr. Donald Parks correspondence and access to Bruce Street, Bryan replying he will report back on this issue.

Andrew Pascuzzo, Planner of D.C. Slade Consultants, spoke noting he is speaking on behalf of 23 residents in the area and noted people fear the unknown, further noting residents in the area want to know what is proposed for the site. Andrew noted a condominium development in this area would be a concern to the residents in the area as it is not in keeping with current development, then referencing parking, increased traffic, water and sewer. Andrew then noted a concept plan should be provided.

The Clerk then read correspondence from Terry McWhirter, resident at 28 Alfred Street.

Chris Oshay, resident at 77 Alma Street, spoke noting he is also representing Robert McDermid, noting drainage concerns and noted he needs additional information on the proposed development.

Glen Donnelly, resident at 79 Alma Street, spoke objecting to the development expressing concern with drainage and density, and that a development in this area would not be in keeping with the area.

Krystin Rennie, consultant, then spoke referencing the drainage concerns of many residents in attendance, and noted the drainage concerns will be addressed. Krystin then noted the Town's Official Plan provides direction as to what can be developed in the area.

Andrea McDonald, resident at 74 Bruce Street, spoke noting she likes the organic nature of the Town, the charm, small town feel, and quality of life. Andrea noted tourists are attracted to the Town of Thornbury and noted it is to the Town's advantage not to remove old beautiful trees to erect homes. Andrea noted any development should be in keeping with the area.

Glenn Stewart, resident at 25 Alfred Street, spoke noting his home is across the street from the proposed street to the development and noted he is concerned that a condominium development may be developed on the site, concerned with the width of the road and signage at the road. Glenn noted this is premature, that Council and residents should know what is what is proposed for the site. Glenn then referenced the two existing lots being dramatically reduced in size.

Herb Pirk, resident at 100 Bruce Street, corner of Bruce and Alfred Street, spoke noting he is opposed to the application, noting he supports intensification, but does not support a development such as this. Herb noted this development could be precedent setting and would impact all property owners butting the proposed development.

Jacklyn Boland, resident on Bruce Street spoke noting the development is not in keeping with the area, and is concerned that such a development in this area would affect the character of the homes in this area. Jacklyn then expressed concern with density and questioned if a Planning Justification Report is available. Jacklyn noted loss of property values in the area is a concern and noted she does not believe infill is necessary in Thornbury. Jacklyn then expressed concern for greenspace in the area.

Terry McWhirter, resident at 28 Alfred Street, spoke noting concern with the proposed street abutting the length of her property, proposed fencing and buffering. Terry noted she does not want her property to become a corner lot, and does not support a development in her backyard.

Rob Robinson, resident representing residents of 18 Alice Street, spoke noting concern that no plan for the site has been submitted. Rob noted he is in support of the concerns made by other residents this evening. Rob then noted he is not in favour of a multi-stage development.

Don Parks, resident at 15 Alice Street West, spoke regarding the right-of-way from Bruce Street to Alice Street and asked that this be reviewed, Bryan replying all comments will be reviewed and noted he will respond to Mr. Parks.

Fraser McDonald, resident at 74 Bruce Street, spoke expressing concern that trees on the site will be cut down, and noted the carriage house on his property sits on the lot line. Fraser is concerned with road access, decreased values of neighbouring properties, infilling, snow storage, sidewalks, the laneway from Alice Street, and noted development should be consistent with the neighbourhood.

Mike Gillis, resident at 84 Bruce Street, spoke noting this is premature, that the property should not be rezoned and the lot lines should not be readjusted at this time until a plan is in place. Mike noted this development is not following proper procedure and noted there are 3000 lots in The Blue Mountains yet to be developed and questioned why this land has to be developed.

Jeremy Gourlay, owner of the subject properties spoke noting, he is a local resident and noted the application may be premature, but that infilling is encouraged if done properly. Jeremy noted he is trying to work with the area and referenced concerns with drainage, buffers and access. Jeremy noted his intent is not to harm neighbouring property values and noted the plan is not in place at this time as they do not know where they stand and if it is possible to proceed with the development. Mayor Anderson thanked Jeremy for speaking.

Glenn Stewart then spoke noting the three parcels of land have inappropriate access and noted if the property next to Terry McWhirter is considered as part of the development that it would increase the land space and may be more conducive.

Mayor Anderson thanked those in attendance for their comments and participating in the public meeting.

**B.5 Andrew Pascuzzo, Consultant with D.C. Slade Consultants
Re: Petition for Drainage Works – Brophy's Lane**

Andrew Pascuzzo, Consultant spoke noting Council will be making a decision on Agenda Item D.2 Drainage Petition – 960121 Ontario Inc. this evening and noted he is speaking on behalf of the owner. Andrew identified the location of the lands, being 3.5 hectares and identified a culvert installed in 1985 that solved a drainage issue on the neighbouring lands, but created flooding on the subject lands.

Andrew noted the Northwest side of the property has ponding from the neighbouring lands and noted through aerial photos taken in 1976, 1989 and 1999, it has been identified that the trees are dying on the site and through an environmental report prepared in 1995, it was identified that the reason the trees are dying is because they are experiencing extreme moisture stress.

Andrew then referenced the Drainage Act and noted it is an offence of the Drainage Act to divert water. Andrew noted his client is seeking the cooperation of the Town to come to a resolution.

Andrew then noted there is potential to improve the water outlet or find a new outlet to Georgian Bay, further noting drainage can go through the wetlands. Andrew then reviewed the maximum yield on the old draft plan of subdivision compared to the proposed plan of subdivision.

Andrew then noted there is a drainage problem in the area and that the draft plan was submitted to the Town three years ago with no decision being made by Council. Andrew noted it is the request of his client that the Town provide a drainage plan for this area.

Councillor Halos referenced the culvert crossing and questioned if there is a ditch on the east side of the land and the age of the trees, Andrew replying this is proposed and noted the trees are between 30 and 50 years old, but many are dying because of the wet land.

Councillor McKean then questioned the location of the proposed lots and roads, Andrew identifying same.

C. Correspondence as previously circulated

Moved by: R.J. Gamble Seconded by: John McKean

THAT this Council does hereby receive the Correspondence of July 11, 2011 and further does support the Staff Recommendation made with regard to the Correspondence items, including any additional direction given to Staff through discussion, with an appropriate Staff action or response awaited for report back to Committee or Council where indicated, Carried.

Author

Recommendation/Action

C.1 Town of Collingwood,
Re: Request for Support

For Council Direction



**THE CORPORATION OF THE
TOWN OF THE BLUE MOUNTAINS
DECISION ON CONSENT APPLICATION FILE NO. B04-2011**

ATTACHED ITEM #2

OWNER/APPLICANT: Jeremy Gourlay and Kathryn Penny
AGENT: Krystin Rennie, Georgian Planning Solutions

PURPOSE AND EFFECT: The purpose of this consent is to consider a request to sever a 2,877 square metre vacant residential parcel on the property and deed it as a lot addition to the existing 2,509 square metre vacant residential parcel to the east for future residential development. A 1,163 square metre residential parcel would be retained, containing an existing dwelling and a detached shed.

This consent is submitted in conjunction with Consent Application No. B05-2011 and an Application for Zoning By-law Amendment. The purpose of the planning applications is to adjust current lot lines on three adjacent properties to create two reduced residential lots and an enlarged lot for future residential development.

LEGAL DESCRIPTION: Town Plot Park Part Lot 6, Alfred E/S

SEVERED PARCEL:	FRONTAGE: 16.0 m.	DEPTH: 100.4 m.	AREA: 2,827 sq. metres
RETAINED PARCEL:	FRONTAGE: 24.2 m.	DEPTH: 50.1 m.	AREA: 1,213 sq. metres

HAVING ACCESS ON:	Open and Maintained County Road (Alfred Street)		
MUNICIPAL WATER:	Yes	MUNICIPAL SEWER:	Yes

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

DATE OF DECISION: November _____, 2011

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

- The proposed lot addition 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:

_____, **2011**

IF PROVISIONAL CONSENT IS GIVEN, THEN THE FOLLOWING CONDITIONS MUST BE MET BY:
_____, **2012**

1. That the Applicant meet all the requirements, financial and otherwise of the Town, 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 to the property abutting to the east in accordance with Section 50 (3) of the *Planning Act, R.S.O. 1990*.
4. That any existing mortgage commitment on the severed parcel be extended to cover the whole, newly created parcel.
5. That an Entrance Permit be obtained from the County of Grey Transportation and Public Safety Department for the newly enlarged parcel.
6. That a Demolition Permit be obtained to the satisfaction of the Town's Chief Building Official for the removal of existing carport, gazebo and shed.

- 7. That the existing water well within the westerly side yard of the dwelling be abandoned in accordance with the Wells Regulation 903 under the *Ontario Water Resources Act, R.S.O. 1990, c. O.40.*
- 8. That Council enact a Zoning By-law Amendment to rezone the proposed newly enlarged residential parcel to the Development D Zone.



Signature of Corrina Giles, Clerk,
Town of The Blue Mountains
32 Mill Street, Thornbury, Ont., N0H 2P0
Email: cgiles@thebluemountains.ca

Dated: _____, 2011

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.

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
Email: cgiles@thebluemountains.ca

Dated: _____, 2011



**THE CORPORATION OF THE
TOWN OF THE BLUE MOUNTAINS
DECISION ON CONSENT APPLICATION FILE NO. B05-2011**

ATTACHED ITEM #3

OWNER/APPLICANT: F. Paul Penny Industrial Sales Limited, c/o Jeremy Gourlay
AGENT: Krystin Rennie, Georgian Planning Solutions

PURPOSE AND EFFECT: The purpose of this consent is to consider a request to sever a 4,455 square metre vacant residential parcel on the property and deed it as a lot addition to the existing 2,509 square metre vacant residential parcel to the south for future residential development. A 1,125 square metre residential parcel would be retained, containing an existing dwelling.

This consent is submitted in conjunction with Consent Application No. B04-2011 and an Application for Zoning By-law Amendment. The purpose of the planning applications is to adjust current lot lines on three adjacent properties to create two reduced residential lots and an enlarged lot for future residential development

LEGAL DESCRIPTION: Part Lot 5 and Lot 6, Plan 107

SEVERED PARCEL:	FRONTAGE: 0.0 m.	DEPTH: 66.8 m.	AREA: 4,455 sq. metres
RETAINED PARCEL:	FRONTAGE: 33.5 m.	DEPTH: 33.6 m.	AREA: 1,125 sq. metres

HAVING ACCESS ON:	Open and Maintained Municipal Road (Alice Street)
MUNICIPAL WATER:	Yes
MUNICIPAL SEWER:	Yes

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

DATE OF DECISION: November _____, 2011

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

- The proposed lot addition 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:

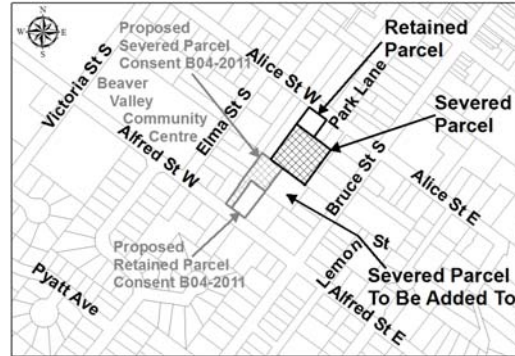
_____, 2011

IF PROVISIONAL CONSENT IS GIVEN, THEN THE FOLLOWING CONDITIONS MUST BE MET BY:
_____, 2012

1. That the Applicant meet all the requirements, financial and otherwise of the Town, 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 to the property abutting to the south in accordance with Section 50 (3) of the *Planning Act, R.S.O. 1990*.
4. That any existing mortgage commitment on the severed parcel be extended to cover the whole, newly created parcel.
5. That Council enact a Zoning By-law Amendment to rezone the proposed newly enlarged residential parcel to the Development D Zone. And further

Signature of Corrina Giles, Clerk,
Town of The Blue Mountains
32 Mill Street, Thornbury, Ont., N0H 2P0
Email: cgiles@thebluemountains.ca

Dated: _____, 2011



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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.

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
Email: cgiles@thebluemountains.ca

Dated: _____, 2011

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2011 - _____

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

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, R.S.O. 1990, c. P.13, 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 Development D Zone for those lands lying and being in the Town of The Blue Mountains, comprised of Town Plot Park Part Lots 5 and 6, Alfred E/S; Part Lot 5 and Lot 6, Plan 107; as indicated on the attached key map Schedule "A-1".
2. 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 _____th day of _____, 2011.

Ellen Anderson, Mayor

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2011 - _____ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the _____th day of _____, 2011.

DATED at _____

this _____ day of _____, 2011.

Signed: _____
Corrina Giles, Clerk

Town of The Blue Mountains

Key Map Schedule A-1

By-Law No. 2011 - _____



Area To Be Rezoned From The Residential R2 Zone
To The Development D Zone

