

STAFF REPORT: Planning & Building Services Department



REPORT TO: Planning & Building Committee
MEETING DATE: February 6, 2012
REPORT NO.: PL.12.05
SUBJECT: Deeming By-law Application
Andrew Fairweather
Lot 63 and Lot 64 Plan 1068
169 Settlers Way
Town of The Blue Mountains
PREPARED BY: Shawn Postma, Planner II
Planning & Building Services

A. Recommendations

THAT Council receive Staff Report PL.12.05 – Deeming By-law Application, Andrew Fairweather, Lot 63 and 64 Plan 1068, 169 Settlers Way, Town of The Blue Mountains.

AND THAT Council enact a deeming by-law so as to deem Lots 63 and 64, Plan 1068 as not being separate Lots within a Registered Plan of Subdivision.

B. Background

The Planning Services division has received an application for Deeming By-law by Andrew Fairweather that proposes to merge Lots 63 and 64 together into one lot in order to permit an addition to an existing single detached dwelling over both lots.

The lands subject to this application are described as Lot 63 and Lot 64 Plan 1068 and are locally known as 169 Settlers Way. Lot 64 is currently occupied with an existing single detached dwelling, while Lot 63 is currently vacant. Surrounding land uses include one existing vacant residential lot and Heritage Park to the east, multi-attached townhouse and condominium units to the south, smaller sized residential lots to the west and larger sized residential lots to the north. The area is comprised of a mix of small scale and large scale single detached and multi-attached residential units.

Both Lot 63 and Lot 64 front onto an open and maintained municipal street (Settlers Way) and are serviced by Town water and Town sewer services.

Location



Section 50(4) of the *Planning Act* indicates the following:

Designation of plans of subdivision not deemed registered

(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).*

Plan 1068 was registered on January 22, 1988.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides direction on appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. Section 1.4 of the PPS requires municipalities to provide a range of housing types and densities and to accommodate residential intensification. The merging of two lots into one will result in the loss of one residential unit on Settlers Way, and will provide the opportunity to enlarge one existing single detached dwelling. The loss of one residential unit does not appear to harm the existing housing stock nor will it affect the overall density of the existing neighbourhood. Planning Services is of the opinion that the proposal is consistent with the PPS.

County of Grey Official Plan

The subject lands are designated Escarpment Recreation Area in the County of Grey Official Plan. Section 2.5.2(2) of the County Plan states that local Official Plans and/or Secondary Plans shall provide detailed land use policies and development criteria that are not in conflict with the provisions of the Niagara Escarpment Plan. It is our opinion that the proposal will comply with the County of Grey Official Plan, and is not in conflict with the provisions of the Niagara Escarpment Plan.

The Blue Mountains Official Plan

The subject lands are designated Residential Infilling 'RI' within the Town of The Blue Mountains Official Plan. Permitted uses include single detached dwellings, parks and open space. The intent of the Residential Infilling designation is to direct development to maintain the overall density and character of the area. New lots should be consistent with other lot sizes in the area and should not adversely affect the character of the area. Infilling policies of Section 3.15 further describes that lots should generally conform in style and character with surrounding development, that lot sizes should generally be consistent with the size of lots in the surrounding area.

The merging of two lots to allow for one single detached dwelling would appear to generally maintain the overall density, style and character of the surrounding area. There does not appear to be a common character or lot pattern within the area. A range of small scale to large scale and from single unit to multi-unit residential uses are all adjacent to the subject lands.

Lot 63 and 64 have the smallest lot frontage for those in the area at 16 metres (52.5 ft). Combining the lots would result in a new lot frontage of 32 metres (105 ft). Surrounding lot frontages range from 16/18/20 metres for the small scale lots and up to 26/35 and up metres for the large scale lots. Based on the wide range of frontages in the area, the proposed frontage of 32 metres would appear consistent with the area.

Lot 63 and 64 have lot areas of approximately 710 square metres. Merging the lots together would result in a lot area of 1420 square metres. Other single detached residential lots in the area generally range in size from 690 square metres to 1600 square metres and up. Based on the wide range of lot sizes in the area, the proposed lot area of 1420 square metres would appear consistent with the area.

Based on the comments above, it would appear that the proposed Deeming By-law is consistent with the intent and direction of the Official Plan.

Zoning

The subject lands are zoned Residential 'R2' within the Township of Collingwood Zoning By-law 83-40. The Residential 'R2' Zone permits one single detached dwelling, a home occupation, and uses, buildings and structures accessory to the dwelling. The

Residential 'R2' zone permits the following setbacks and maximum height:

Front Yard	7.5 m
Interior Side Yard	1.5 m
Rear Yard	9.0 m
Maximum Height	2 Stories

If the Lots should merge, the current Residential 'R2' zoning remains appropriate for the merged lands. The Residential 'R2' zoning also remains consistent with the surrounding zone standards for lots in the area.

Based on the comments above, it would appear that the proposed Deeming By-law is consistent with the intent and direction of the Zoning By-law.

Public Meeting

A Public Meeting is not required under the Planning Act for a Deeming By-law application. Comments have not been received or requested from outside agencies or surrounding land owners.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Deeming By-law 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 Township of Collingwood Zoning By-law and recommend enacting a Deeming By-law so as to merge Lot 63 and Lot 64 Plan 1068 into one lot.

C. The Blue Mountains' Strategic Plan

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

D. Environmental Impacts

Nil

E. Financial Impact

Nil

F. In Consultation With

Darcy Chapman, Financial Services

G. Attached

1. Deeming By-law

Respectfully submitted,

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

BY-LAW NO. 2012 -

**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 Lots 63 and 64 within Registered Plan 1068 are currently separate Lots within the Registered Plan;

AND WHEREAS Registered Plan 1068 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. Lots 63 and 64 within Registered Plan 1068 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 in the Registry Office for the Registry Division (16) of the County of Grey.

Enacted and passed this ____ day of _____, 2012

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Mayor Ellen Anderson

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Corrina Giles, Town Clerk