

STAFF REPORT: Town of The Blue Mountains Planning Department



REPORT TO: Mayor and Members of Council

MEETING DATE: Monday, November 10, 2008

REPORT NO.: PL.08.121

SUBJECT: Application for Zoning By-law Amendment
– Lidia Larosa and Andrew Catapano
Lot 35, Plan 824
149 Kandahar Lane
Town of The Blue Mountains

PREPARED BY: Shawn Postma,
Planner II
Peter Tollefsen
Director of Planning

A. Recommendations

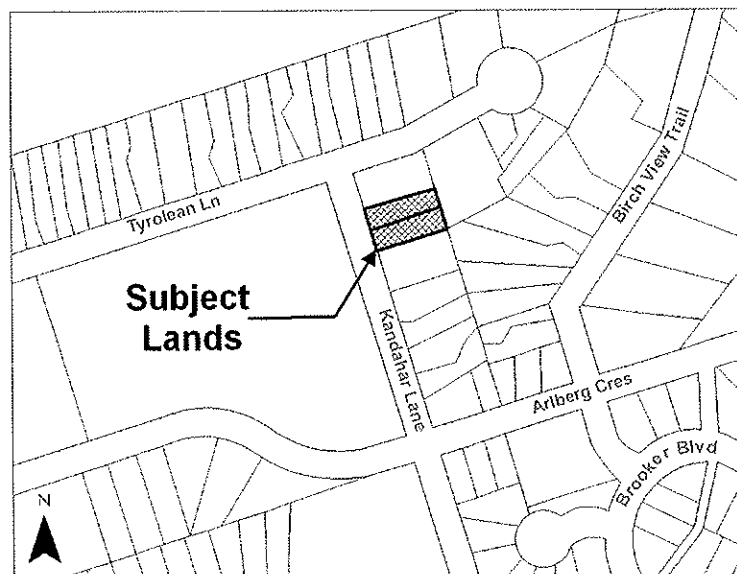
THAT Council does receive Planning Staff Report PL.08.121, “Application for Zoning By-law Amendment – Lidia Larosa and Andrew Catapano; Lot 35, Plan 824; Town of The Blue Mountains”;

AND THAT Planning Staff support the Application for Zoning By-law Amendment to rezone the severed lands from the Residential ‘R5-43’ zone to the Residential ‘R4’ zone.

B. Background

The purpose of this By-law is to address a condition of Consent on Application B04-2007 which separated an existing horizontally attached dwelling (two dwelling units separated by a vertical common wall) over two separate lots, resulting in a semi-detached dwelling.

Location:



The Application for Consent No. B27-2006 was conditionally approved by Council on the 14th day of July, 2008 as recommended in Planning Staff Report PL.08.75.

Official Plan

The Town of The Blue Mountains Official Plan designates the subject lands as Residential Infilling 'RI'. The purpose of the Residential Infilling designation is to recognize existing residential plans of subdivisions which have been registered and other residential areas that have been substantially developed.

The proposed amendment appears to conform to the direction and policies of the Official Plan.

Zoning By-law

The subject lands are zoned Residential Fifth Density (R5-43) within the Township of Collingwood Zoning By-law 83-40. Permitted uses within the Residential (R5-43) Zone include a horizontally attached dwelling; and uses, buildings and structures accessory thereto. Exception 43 limits the property to a maximum of three dwelling units. Minimum lot frontage and area requirements for a horizontally attached dwelling in the Residential (R5) Zone are 25 metres and 650 square metres respectively.

No new development or alterations to the existing structure are proposed, but the result of the severance changed the use of the horizontally attached dwelling to a semi-detached dwelling. The new lots as approved require a Zoning By-law amendment to the Residential (R4) zone in order to recognize the new semi-detached use. It appears, that no other variances are required to the By-law, as minimum lot area, frontage, yard setbacks and other requirements appear to be met. The proposed rezoning will also remove exception 43 which permits up to a maximum of three residential units on the lands.

Additional Comments

Development Charges were not required as a condition of consent. Although a new lot was created, Development Charges are collected on a per unit basis for residential dwelling units, and in this case there was no increase, or potential for increase in residential units.

During construction of the original two-unit dwelling, a fire wall was required between the two units.

A second (and final) condition of consent required the owners to re-establish the former swale located along the north side of the property. The works have been completed, and Engineering and Public Works have reviewed and accepted the works as complete.

No other concerns were raised during the Public Meeting held on November 3, 2008.

Based on the foregoing, it is the opinion of Planning Staff that the proposed zoning by-law amendment conforms to the intent and direction of the Town of The Blue Mountains Official Plan and represents good planning. Therefore Planning Staff support this application for zoning by-law amendment, as noted in this report.

C. The Blue Mountains' Strategic Plan

Strategic Plan Goal #1:

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

D. Budget Impact

NIL

E. Environmental Impact

The proposed Zoning By-law Amendment does not appear to generate any significant environmental impacts that can be regulated by the Town.

F. Attached

1. Draft Zoning By-law

Respectfully submitted,

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NOTICE OF THE PASSING OF A ZONING BY-LAW

TOWN OF THE BLUE MOUNTAINS

TAKE NOTICE THAT the Council of the Town of the Blue Mountains passed By-law No. _____ on the _____ day of _____, 2008 under Section 34 of the Planning Act, R.S.O. 1990, c. P.13.

AND TAKE NOTICE that any person or agency may appeal to the Ontario Municipal Board in respect of the by-law by first obtaining a prescribed Appellant Form and filing same with the Clerk of the Town of the Blue Mountains not later than the _____ day of _____, 2008 and completing said Form setting out the objection of the By-law and the reasons in support of the objection, together with the required \$125 fee made payable to the Minister of Finance.

AND TAKE NOTICE that only individuals, corporations and public bodies may appeal a zoning by-law 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 the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

An explanation of the purpose and effect of the by-law, describing the lands to which the by-law applies, and a key map showing the location of the lands to which the by-law applies (or, alternatively, an explanation as to why a key map is not provided) are attached. The complete by-law is enclosed for inspection.

DATED at the Town of The Blue Mountains, this _____ day of _____, 2008.

Stephen Keast
Clerk
Town of The Blue Mountains
P.O. Box 310
26 Bridge Street
THORNBURY, Ontario
NOH 2P0 (519) 599-3131

PURPOSE AND EFFECT OF THIS BY-LAW

The purpose of this By-law is to satisfy a condition of consent applicaiton B04-2007 which separated an existing horizontally attached dwelling on one lot into a semi-detached dwelling over two separate lots.

The effect of this By-law is to rezone the subject lands from the Residential 'R5-43' zone to the Residential 'R4' zone.

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. _____

Being a By-law to amend Zoning By-law No. 83-40
which may be cited as "The Township of Collingwood
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. 83-40;

AND WHEREAS pursuant to the provisions of Section 34 of the Planning Act, 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. Map 24 to Schedule 'A', of the Township of Collingwood Zoning By-law, being By-law 83-40 as amended is hereby further amended by rezoning the subject lands from the Residential 'R5-43' zone to the Residential 'R4' zone for those lands lying and being in the Town of The Blue Mountains, comprised of ; 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 _____ day of _____, 2008.

Ellen Anderson, Mayor

Stephen Keast, Clerk

I hereby certify that the foregoing is a true copy of By-law No. _____ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the _____ day of _____, 2008.

DATED at _____ this _____ day of _____, 2008.

Signed: _____
Stephen Keast, Clerk

KEY MAP SCHEDULE 'A1'

TO BY-LAW

DRAFT

TOWN OF THE BLUE MOUNTAINS

