

**STAFF REPORT: Planning & Building Services Department**



**REPORT TO:** Planning & Building Committee  
**MEETING DATE:** February 6, 2012  
**REPORT NO.:** PL.12.06  
**SUBJECT:** Application for Consent  
B12-2011  
John Smith  
Lot 19, Plan 1127  
Hemlock Court  
Town of The Blue Mountains  
**PREPARED BY:** Shawn Postma, Planner II  
Planning & Building Services

**A. Recommendations**

**THAT Council receive Staff Report PL.12.06 – Application for Consent B12-2011, John Smith, Lot 19, Plan 1127, Hemlock Court, Town of The Blue Mountains.**

**THAT Council grant Application for Consent B12-2011 subject to the following conditions:**

- 1. A Deeming By-law to deem Lot 18, 19 and 20 of Plan 1127 as not being separate lots within a Registered Plan of Subdivision**
- 2. That the north Part Lot 19 be deeded as a lot addition to Lot 18 to the north.**
- 3. That the south Part Lot 19 be deeded as a lot addition to Lot 20 to the south.**
- 4. That any existing mortgage commitment on Lot 19 be extended to cover the whole, newly created parcels.**

**AND THAT Council enact a deeming by-law so as to deem Lot 18, 19, and 20 of Plan 1127 as not being separate Lots within a Registered Plan of Subdivision.**

**B. Background**

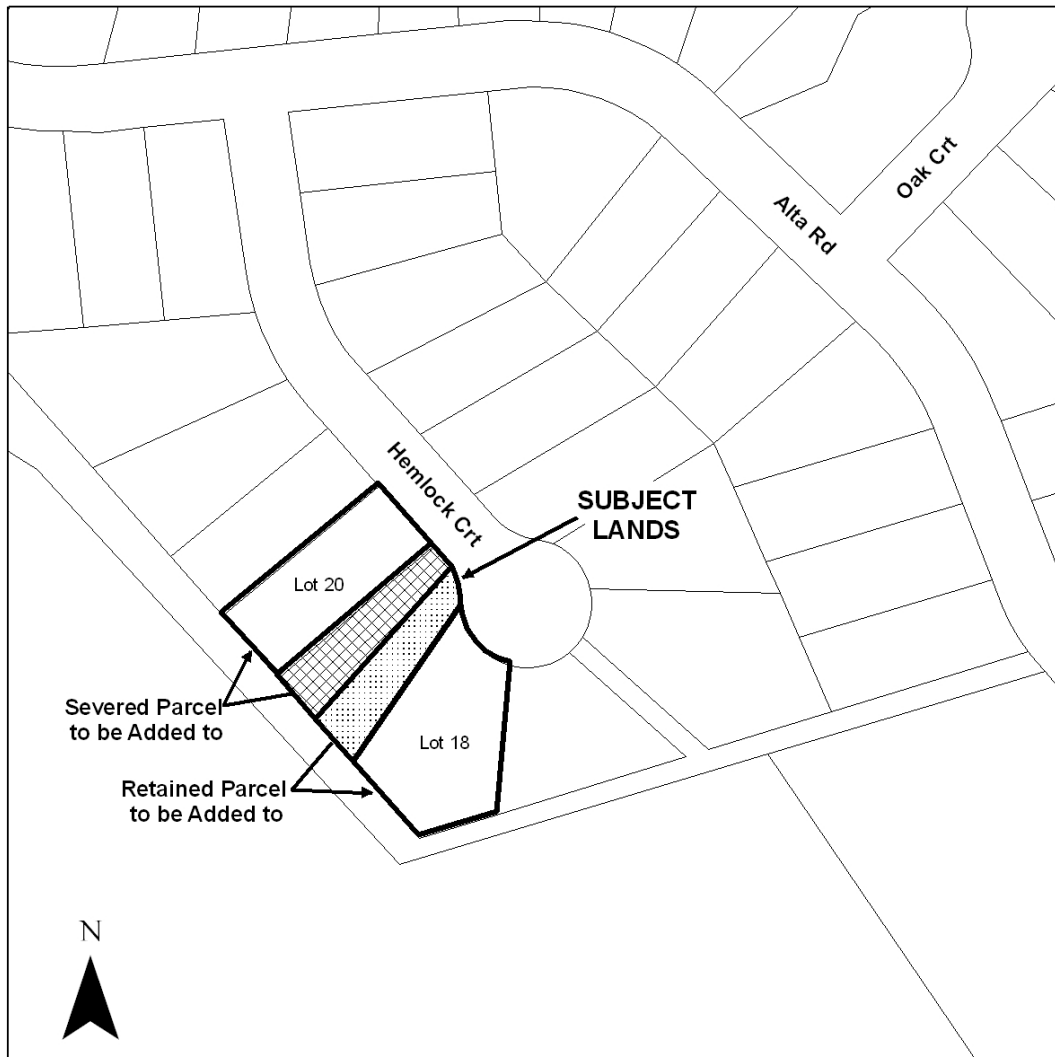
The Planning Services division has received an application for Consent by John Smith of Lot 19, Plan 1127. The application proposes to sever lot 19 approximately in half with the north half being deeded to the existing lot 18 to the north, and the south half to be deeded to the existing lot 20 to the south.

Both lot 18 and 20 contain an existing single detached dwelling while lot 19 is currently vacant. Surrounding land uses on Hemlock Court and within the rest of the Alta

Subdivision include a mix of single detached dwellings and vacant residential lots. Ski trails and other uses related to the Alpine Ski Club are located to the south. The lands are serviced by municipal water and sewer services.

The request to enlarge Lot 18 is in order to relocate the existing driveway further north to improve access to the existing dwelling. The request to enlarge Lot 20 is to provide additional space to improve recent drainage issues. Both lots to be enlarged also propose additional landscaping to keep the character of the lots in character with the surrounding development.

### Location



### 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 Hemlock Court, and will provide the opportunity to enlarge the two properties surrounding the single detached dwellings. 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 severance of one lot in half in order to provide additional land to each adjacent lot would appear to generally maintain the overall density, style and character of the surrounding area. Lot sizes throughout the Alta Subdivision range in size from frontages at 14.8 metres to 63.5 metres and lot areas from 1195 square metres to 5458 square metres with the average lot size being 1963 square metres. The proposed lots to be created would result in frontages of 35.7 metres each and lot areas of 2858 square metres and 2646 square metres. The proposed lots would comprise of the 7<sup>th</sup> and 8<sup>th</sup> largest lots from the original Plan of Subdivision and would appear to remain consistent with the style and character of the surrounding area.

### **Zoning**

The subject lands are zoned Residential 'R3' 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. Should the lots be enlarged, the current Residential 'R3' zoning remains appropriate for the enlarged lands. The Residential 'R3' 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 Consent is consistent with the intent and direction of the Zoning By-law.

### **Deeming By-law**

An application for Deeming By-law is required in order to deem Lot 18, 19 and 20 as not being part of a Plan of Subdivision. The Deeming By-law would permit the proposed lot additions of Part Lot 19 to Lot 18 and Lot 20 and to be able to establish a new legal description for each enlarged parcel so that future conveyances of land can only occur on the entire newly created parcel.

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 1127 was registered on November 8, 2002.

### **Public Meeting**

A Public Meeting as required under the Planning Act was held on December 5<sup>th</sup>, 2011. The following comments were received from the County of Grey Planning and Development Department and the Grey Sauble Conservation Authority both indicating that they have no objections to the proposed consent application.

No other written correspondence or verbal comments were presented at the Public Meeting.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Consent Application and Application for 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 granting Consent Application B15-2011 subject to the conditions listed in this report, and further recommend enacting a Deeming By-law so as to deem lots 18, 19 and 20, Plan 1127 as not being lots within a registered Plan of Subdivision.

## **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 18, 19 and 20 within Registered Plan 1127 are currently separate Lots within the Registered Plan;

**AND WHEREAS** Registered Plan 1127 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. Lot 18, Lot 19 and Lot 20 of Registered Plan 1127 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