

STAFF REPORT: Planning & Building Services Department



REPORT TO: Planning and Building Committee
MEETING DATE: November 7, 2011
REPORT NO.: PL.11.122
SUBJECT: Applications for Consent
File Nos. B10-2011 and B11-2011 -
Joseph Barnicke and Integrated
Financial Corporation of Canada
Limited
Part Lot 22, Concession 3;
Parts 1 and 2, RP 16R-1520;
274 and 276 Arrowhead Road;
Town of The Blue Mountains
PREPARED BY: Bryan Pearce,
Planner I

A. Recommendations

THAT Council receive Planning Staff Report PL.11.122, “Applications for Consent File Nos. B10-2011 and B11-2011 – Joseph Barnicke and Integrated Financial Corporation of Canada Limited; Part Lot 22, Concession 3; Parts 1 and 2, RP 16R-1520; 274 and 276 Arrowhead Road; Town of The Blue Mountains”; and

THAT Council authorize Consent No. B10-2011, 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; and further**

THAT Council authorize Consent No. B11-2011, 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 north 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.**

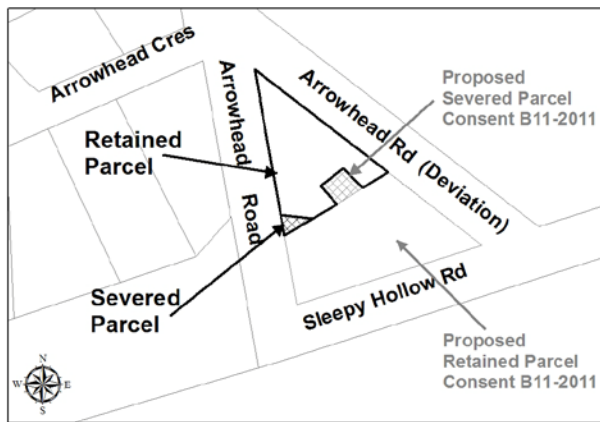
B. Background

The proponent has filed two consent applications with the Town in August 2011, these are detailed below. The intent of the applications are to adjust the existing lot lines on two existing lots by proposing a land swap, resulting in two reconfigured lots. The Proponent notes that the proposed reconfigured lots would provide for improved on-site parking due to the topography and reduce the odd lot line shape of the common lot line.

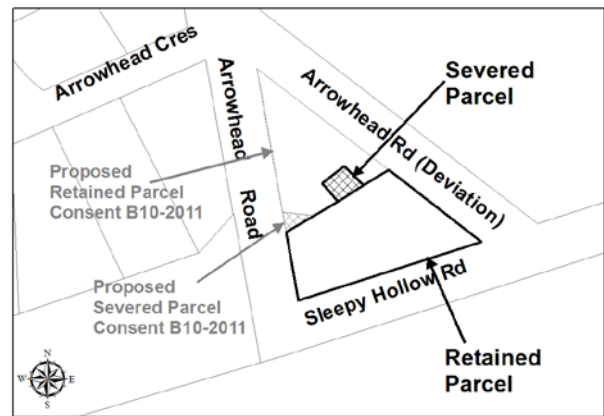
The purpose of Application for Consent File No. B10-2011 is to sever a 50.84 square metre vacant residential parcel on the property, and deed it as a lot addition to the existing 2089 square metre residential parcel to the south, containing an existing single detached dwelling. A 1560 square metre residential parcel would be retained, containing an existing single detached dwelling.

The purpose of Application for Consent File No. B11-2011 is to request to sever an 88.6 square metre vacant residential parcel on the property, and deed it as a lot addition to the existing 1611 square metre residential parcel to the north, containing an existing single detached dwelling. A 2000 square metre residential parcel would be retained, containing an existing single detached dwelling.

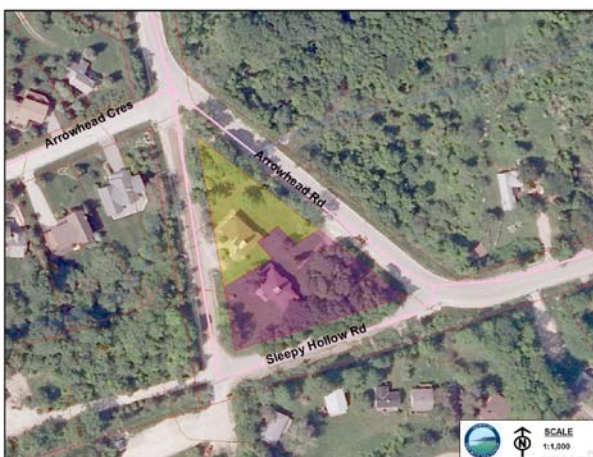
B10-2011:



B11-2011:



Existing Lot Fabric:



Proposed Lot Fabric:



The subject lands are located on the east side of Arrowhead Road and north of Sleepy Hollow Road within the community of Craigleith, with a civic address of 274 Arrowhead Road for the existing north lot and 276 Arrowhead Road for the existing south lot.

It should be noted that the subject lands have municipal water and wastewater services fronting onto Arrowhead and Sleepy Hollow Road.

The subject lands are comprised of 1611 square metres for the north lot and 2089 square metres for the south lot. Again both lots contain an existing single detached dwelling with a sloping topography to the easterly direction, with the watercourse flowing eastward at the far northern portion of the north lot.

The lands are owned by Joseph Barnicke (north lot) and Integrated Financial Corporation of Canada Limited c/o Joseph Barnicke, President (south lot), who has authorized Shelley Wells of Plan Wells Associates to act on his behalf on these planning applications. The Agent has submitted a planning summary letter as supporting documentation with these planning applications.

The surrounding uses include:

- North: Arrowhead Road, followed by plan of subdivision lands for future residential development
- East: Arrowhead Road, followed by draft plan of subdivision lands for future residential development
- South: Sleepy Hollow Road, followed by the Craigleith Ski Club lands of the chalets and ski trails
- West: Arrowhead Road, followed by existing development single detached residential lots in a plan of subdivision

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 is not creating any development potential by adjusting the existing lot lines with the land swap proposals.

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 Escarpment Recreation Area within the County of Grey Official Plan. Section 2.5.2(2) states that “*Local Official Plans and/or Secondary Plans shall provide detailed land use policies and development criteria in these areas that are not in conflict with the provisions of the Niagara Escarpment Plan*”; and Planning Staff note that the applicable provisions of the Town’s Official Plan, noted later in this Report, do not conflict with the Niagara Escarpment Plan (NEP).

It should be noted that Appendix A, Map 2 identifies the subject lands as Special Policy Area. Section 2.8.4 of the County of Grey Official Plan states that one must address the need of an Environmental Impact Study (EIS) to ensure there isn’t any karst topography present. The objective is twofold; to determine if in fact that the shallow overburden with karst topography does exist. This may be accomplished simply by an on-site test hole. If the test holes reveal karst topography with shallow overburden then an EIS is necessary to assess the impacts and mitigation measures on the surface and ground water supply of the planning application. Planning Staff note that the lot addition proposals will not result in any new development, thus the karst investigation is not required as part of this process.

Therefore it is Planning Staff’s opinion that the proposal conforms with the County Official Plan for these two lot addition proposals.

Town of The Blue Mountains Official Plan

The Town of The Blue Mountains Official Plan designates the subject lands as Residential Infilling (RI). The intent and purpose of the Residential Infilling designation is to recognize existing residential plans of subdivision which have been registered and other existing residential area which have been substantially developed.

Under Section 4.12 of the Official Plan, Residential Infilling land use policies note that all buildings and structures erected shall be in general harmony with existing dwellings and multiple residential buildings shall not be permitted. Again, Planning Staff notes that this lot addition proposal is not creating any development potential.

The property has been identified as a Thin Overburden Area (karst) under Appendix “E” of the Official Plan. Under Section 8.16 of the Plan the proponent must address the need of providing an EIS. This requires the proponent to have a qualified individual conduct a preliminary karst investigation by digging test holes to determine if there is significant karst present on the subject property. If the test holes reveal karst topography with shallow overburden then an EIS is necessary to assess the impacts and mitigation measures on the surface and ground water supply of the

planning application. Planning Staff note that the lot addition proposals will not result in any new development, thus the karst investigation is not required as part of this process.

Consent policies under Section 9.3(7) of the Official Plan note that consents for boundary adjustments shall be evaluated on their own merit. Merit has been provided by the owner/applicant mentioned above. It further notes that lot additions may affect existing mortgages, thus Planning Staff recommend as a condition of consent, 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 consent conforms to the policies of the Official Plan.

Zoning By-law

The subject lands are zoned Residential Third Density (R3) within the Township of Collingwood Zoning By-law 83-40. Permitted uses within the Residential Third Density (R3) Zone include a single detached dwelling, home occupation, as well as uses, buildings and structures accessory to the single detached dwelling.

Planning Staff note that in these applications the proposed lot configuration appears to comply with the zoning by-law, so there are no issues of concern on the matter.

Additional Comments

Agency Comments

Comments were received from the County of Grey - Planning and Development Department; Grey Sauble Conservation Authority (GSCA); and Union Gas. These comments are summarized below.

The County of Grey - Planning and Development Department have no issues of concern.

The GSCA has no issues of concern to the minor lot re-configuration of the two properties. It should be noted that a portion of the lands (associated with the watercourse) are regulated and therefore require a GSCA permit prior to any site alterations.

Union Gas notes that there is service lines running within the area, should the proposed consents impact these services it may be necessary to terminate the gas service and relocate the lines according to the new property boundaries. Planning Staff note that the Proponent that there are no services in the proposed severed parcel. The gas, power and telephone service for 274 Arrowhead Road comes

under Arrowhead road at least 50 ft. east of the severed parcel; and for 276 Arrowhead road the services come from Sleepy Hollow Road to the South.

Interdepartmental Comments

Comments were received from Engineering and Public Works Department, noting the insurance of separate driveways and the entrances do not cross adjacent property lines. Planning Staff note that one of the purposes of the applications is to aid in improvement of the on-site parking. During pre-consultation Planning Staff made the Agent aware of the parking regulations within the zoning by-law and the proposal would appear not to create any compliance issues, as provisions do allow for common driveways as set out in Section 5.14 of the Township of Collingwood Zoning By-law 83-40 as amended.

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 September 6, 2011, the placards for the two consents were posted on-site near the existing driveway entrance on Arrowhead Road, along with a mail out circulation of the Notices to area assessed property owners and applicable agencies on August 17, 2011.

The public meeting was held on September 7, 2011, as required under the *Planning Act*. No outstanding additional comments were received through the Planning and Building Committee of Council Meeting with the public in attendance at the public meeting.

Written Correspondence Received From the Public

No comments were received from the public on the proposals.

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 south for B10-2011 and to the north for B11-2011) 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.

Summary

Based on the foregoing, it is the opinion of Planning Staff that the proposed two consents conforms to the intent and direction of the Town of The Blue Mountains Official Plan and represents good planning. Therefore, Planning Staff would support these applications for the two consents subject to the conditions noted in this report.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report PL.11.122 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. Draft Decision of Consent Application No. B10-2011
2. Draft Decision of Consent Application No. B11-2011

Respectfully submitted,

Bryan Pearce, HBA, CPT
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P:\- Active Planning Projects\P1173 & P1174 Barnicke - 2 Consents\PL11122 Barnicke - Consents B10-2011 & B11-2011 - lot additions - Recommendation Report.doc



**THE CORPORATION OF THE
TOWN OF THE BLUE MOUNTAINS
DECISION ON CONSENT APPLICATION FILE NO. B10-2011**

OWNER/APPLICANT: Joseph Barnicke
AGENT: Shelley Wells, Plan Wells Associates

PURPOSE AND EFFECT: The purpose of this consent is to consider a request to sever a 50.84 square metre vacant residential parcel on the property, and deed it as a lot addition to the existing 2089 square metre residential parcel to the south, containing an existing single detached dwelling. A 1560 square metre residential parcel would be retained, containing an existing single detached dwelling.

This consent is submitted in conjunction with Consent Application No. B11-2011. The Agent has submitted a Planning Summary Letter in support of these planning applications.

LEGAL DESCRIPTION: Part Lot 22, Concession 3; Part 1, RP 16R-1520

SEVERED PARCEL:	FRONTAGE: 6.7 m.	DEPTH: 15.2 m	AREA: 50.8 sq. metres
RETAINED PARCEL:	FRONTAGE: 65.8 m.	DEPTH: 48.7 m.	AREA: 1560 sq. metres

HAVING ACCESS ON:	Open and Maintained Municipal Road (Arrowhead Road)		
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:

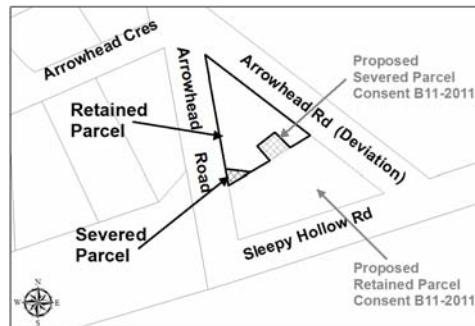
- The proposed lot addition would appear to conform with the direction of the Town of The Blue Mountains Official Plan and represents good planning.

NOTICE - The last date for appealing this decision or any of the conditions is:

December _____, 2011

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



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

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

Dated: _____, 2011