

**STAFF REPORT: Town of The Blue Mountains Planning Department**



**REPORT TO:** Planning Committee  
**DATE:** June 1, 2009  
**REPORT NO.:** PL.09.62  
**SUBJECT:** Application for:  
Consent and Zoning By-law  
Amendment  
File: B07-2009 and B08-2009  
Dr. Pawel Ochocinski  
Lot 2, Plan 1034  
Town of The Blue Mountains

**PREPARED BY:** Shawn Postma, Planner II

**A. Recommendations**

**THAT the Planning Committee receive Planning Staff Report PL.09.62, “Application for: Consent and Zoning By-law Amendment, File: B07-2009 and B08-2009, Dr. Pawel Ochocinski, Lot 2, Plan 1034, Town of The Blue Mountains”; and**

**THAT Council grant Provisional Consent to application for Consent file no. B07-2009 conditional upon the following:**

- 1. That the owner make a cash payment for the hard costs of Town Wide Development Charges and Service Area 2 Development Charges.**
- 2. That the owner make a cash payment in lieu of parkland in the amount of 5% of the value of the land to be conveyed with such value to be determined as of the day before the day of the approval of the consent by an accredited appraiser (AACI, P.App., CRA) with the Appraisal Institute of Canada.**
- 3. That the required infrastructure connections from the municipal water and municipal sewer services are provided to the new lot to the satisfaction of the Engineering and Public Works department.**
- 4. A Zoning By-law Amendment to recognize the new minimum lot frontages, and revised building envelopes on both the severed and retained parcels.**
- 5. An Environmental Impact Study addressing the ‘Special Policy Area’ (Karst) requirements of the County Official Plan to the satisfaction of the County of Grey.**
- 6. The completion of an engineered drainage and grading plan be prepared to the satisfaction of the Grey Sauble Conservation Authority to ensure that any increase in drainage from the subject lands can be adequately accommodated without having any negative impacts on surrounding properties or Nipissing Ridge.**

**THAT Council refuse application for Consent B08-2009.**

**THAT Council enact a Zoning By-law Amendment to:**

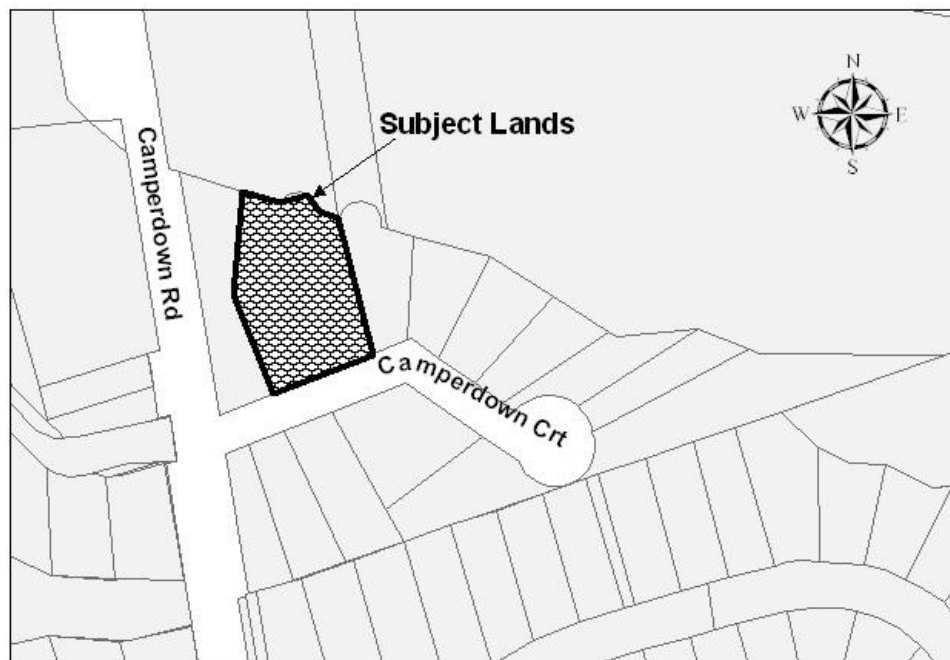
- 1. Establish a new minimum lot frontage for the severed and retained lots.**
- 2. Establish building envelopes for the severed and retained lots.**

## **B. Background**

The Planning Services Division has received two applications for consent in order to create two new vacant residential parcels while retaining one residential parcel containing a single detached dwelling, pool, and out buildings. A Zoning By-law Amendment has also be submitted to establish building envelopes on the three proposed residential parcels.

The property is located on Lot 2 of Plan 1034, with a civic address of 105 Camperdown Court. Both municipal water and municipal sewer services are available to the subject property.

### **Location**



The original plan of subdivision was serviced by a private communal septic system. This system was installed around 1981, and was located entirely on Lot 2. With the recent extension of sewer services through the Camperdown Servicing Project, municipal sewers have been provided to the area. These services have been connected, and the communal septic system has been decommissioned and removed from the property. Easements over the lands were removed in 2008 upon completion of the decommissioning.

Camperdown Court is comprised of a 13 lot single detached dwelling residential subdivision, and a common recreational block that includes a tennis court. The subdivision is located between the Nippissing Ridge and the slopes of the Niagara

Escarpment. These natural features provide unique views and vistas of the area, and also provide for varied lot sizes ranging from 1550 sq m up to 5650 sq m and lot frontages from 15.7 m to 57.6 m.

The proposed lots would result in new lot areas from 1491 sq m to 2137 sq m, and lot frontages of 18.7 m for each proposed lot.

The Zoning By-law Amendment application requests a new minimum lot frontage requirement and new building envelopes on the new lots.

Since the Public Meeting, the Owner and Agent on this application have requested a revision to their application which would withdraw one consent application. The result would essentially divide the property in half creating one new lot while retaining a second lot. (Two lots total instead of three.)

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) identifies that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted. Land shall be efficiently used, with consideration for intensification, redevelopment, mix of uses and densities that ensure appropriate development will take place. It does not appear that there are any concerns of Provincial interest applicable to the proposed development.

### **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 applications will comply with the County of Grey Official Plan, and are not in conflict with the provisions of the Niagara Escarpment Plan.

### **The Blue Mountains Official Plan**

The subject lands are designated Residential Infilling RI and Hazard H in the Town of The Blue Mountains Official Plan. The purpose of this designation is to recognize existing residential plans of subdivision which have been registered and other existing residential areas which have been substantially developed. Section 4.12.3(2) states that within registered plans of subdivision, further lot creation shall generally be prohibited in order to maintain the intended density and character of the development. Criteria for the consideration of new lot creation are outlined in Section 3.15 of the Plan. Generally, new lots must generally conform in style and character with surrounding development, and where the general circumstances including the physical condition of the site are considered appropriate. All new lots must comply with the lot creation and land use policies of the plan, and new lot sizes shall generally be consistent with the size and shape of lots in the surrounding area.

The Plan puts a lot of emphasis on protecting the established character and style of a neighbourhood. First and foremost new lots within a plan of subdivision should not be permitted, except under very strict control. The character of a neighbourhood must be maintained to protect the original intended design. Only under limited circumstances can new lots be considered. In this case, Lot 2 was created substantially larger than the remaining lots in the subdivision in order to accommodate the communal septic system for the neighbourhood. Since 2005 all of the properties have been connected to full services, and the communal septic has been removed.

Section 6.4.1 of the Plan provides Parkland policies, and that parkland dedication shall be required up to a maximum of 5% of the total land holding for all residential lots created under the consent process. Required parkland dedication for smaller parcels shall generally be encouraged as a cash-in-lieu provision.

The revised application seeks approval for two lots total with a lot frontage and lot area of 21.2 m / 1969 sq m and 34.8 m / 3442 sq m. In order to provide for two lots more equal in size with one another, a portion of the existing building will be demolished. The owner has indicated that he wishes to keep the original structure, remove the later additions, and then construct a new addition on to the western portion of the home. The combination of removing and replacing portions of the existing building will essentially 'pull' the building over on the lot from the centre towards the west. The result will provide additional space for the proposed new lot on the east while maintaining a lot size and shape consistent with surrounding properties. It is our opinion that the revised lot configuration complies with the Town of The Blue Mountains Official Plan.

## **Zoning**

The subject lands are zoned Estate Residential ER-21 within the Township of Collingwood Zoning By-law 83-40. The Estate Residential zone recognizes those residential areas in the municipality with larger lot sizes that may or may not occur on full municipal services. Permitted uses include single detached dwellings as well as accessory uses, buildings and structures. Exception 21 establishes unique front, side and rear yard setbacks through Schedule 'B' to the By-law. Front yard setbacks are typically 10 m. Side yard setbacks are typically 5 m with some lots as low as 2.5 m and 3.0 m. Rear yard setbacks all vary at approximately 15 metres back from the top of the Nipissing Ridge. The setback also provides for an even building line along the rear yards providing each lot owner a view out over the Bay.

The revised application looks to maintain the standard front yard setback and side yard setbacks, save for the existing dwelling to be located a minimum of 2.5 metres from the side lot line.

A revised Zoning By-law Amendment must be required as a condition of consent to recognize the new building envelopes and lot frontages. It should be noted, that the owner of the lands intends to increase the rear yard setback (move the buildable area further away from the edge of the ridge) in order to better recognize a more consistent building line with surrounding properties along the rear yard.

Provided these changes are incorporated into the Zoning By-law Amendment, it would appear that the proposed development will comply with the Zoning By-Law.

### **Public Comments**

The statutory Public Meeting was held on March 2<sup>nd</sup> 2009. A large number of area residents had written in correspondence or provided verbal comments at the meeting. The substantial issue that came out was that the residents were concerned about the character and style of their neighbourhood, and that they felt that the creation of 3 total lots would radically change the nature of the street community, and would not represent what was originally intended for the subdivision, or what has been enjoyed by the residents for years. These concerns echo the policies of the Official Plan, and the objectives to protect existing established neighbourhoods. It is our opinion that the revised lot configuration from three lots to two lots will create lots more similar in size and shape with the surrounding residential development, and will not impact the character or intention of the original subdivision design.

### **Agency Comments**

Comments were received from the County of Grey Planning and Development Department, the Niagara Escarpment Commission and the Grey Sauble Conservation Authority as follows.

The County of Grey has identified the potential for Karst features on the property and requires that an Environmental Impact Study be completed.

The Niagara Escarpment Commission has no objections.

The Grey Sauble Conservation Authority have reviewed this proposal, and recognizing the associated hazards related to the Nipissing Ridge and has recommended the following:

- That a Hazard zone be implemented through the By-law Amendment.
- That the building envelopes be relocated outside of the Hazard zone.
- That grading and drainage plans be completed for each lot to ensure that the increase in drainage from the proposed development would not create any adverse drainage impacts to the adjacent properties or negatively influence slope stability.
- And that a geotechnical investigation be completed (at the time of design of the dwellings) to ensure foundation designs are appropriate.

### **Additional Comments**

Comments through the Town's Development Review Committee indicate that the hard costs of applicable Development Charges (Town wide and Camperdown specific) should be added as a condition of consent. The soft costs will then be payable at the time of Building Permit.

The new lot is required to connect to municipal water and municipal sewer services. The actual water and sewer connections must be installed prior to the new lot being created. This can be added as a condition of consent.

Based on the foregoing, it is the opinion of Planning Staff that the revised Consent applications and Zoning By-Law amendment application conforms to the intent and direction of the The Blue Mountains Official Plan and represents good planning. Therefore, Planning Staff support these applications conditional upon the recommendation contained in this report.

### **C. The Blue Mountains' Strategic Plan**

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

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

### **D. Budget Impact**

NIL

### **E. Attached**

1. Draft Zoning By-law Amendment

Respectfully submitted,

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**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. Notwithstanding the lot frontage requirements of Schedule 'AA' to the Estate Residential 'ER' Zone of the Township of Collingwood Zoning By-law, being By-law 83-40, the minimum lot frontage shall be 34.8 metres and 21.2 metres for those lands lying and being in the Town of The Blue Mountains, comprised of Lot 2, Plan 1034 as indicated on the attached key map Schedule 'A-1'.
2. Schedule 'B' to the Township of Collingwood Zoning By-law, being By-law 83-40 is hereby amended by deleting and replacing the Building Envelopes for those lands lying and being in the Town of The Blue Mountains, comprised solely of Lot 2, Plan 1034 as indicated on the attached key map Schedule 'A-1'
3. 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 \_\_\_\_\_, 2009.

\_\_\_\_\_  
Ellen Anderson, Mayor

\_\_\_\_\_  
Stephen Keast, Clerk

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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 \_\_\_\_\_, 2009.

DATED at \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Signed: \_\_\_\_\_  
Stephen Keast, Clerk

# KEY MAP SCHEDULE A-1

BY-LAW No. \_\_\_\_\_

## TOWN OF THE BLUE MOUNTAINS



Area Affected by this Amendment



Building Envelope

